

## **AGENDA**

### **BOARD OF MAYOR AND ALDERMEN**

**February 15, 2005**

**7:30 PM**

**Aldermanic Chambers  
City Hall (3<sup>rd</sup> Floor)**

1. Mayor Baines calls the meeting to order.
2. The Clerk calls the roll.
3. Proclamation for Children's Dental Health Month.
4. Presentation of the draft FY2004 Comprehensive Annual Financial Report (CAFR) and draft Management Letter by Scott Bassett of McGladrey & Pullen.
5. Presentation by Health Officer regarding the Public Health Report Card.

### **CONSENT AGENDA**

6. Mayor Baines advises if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

### **Approve under the supervision of the Department of Highways**

- A. NH Fisher Cats pole license petition for the installation of two (2) exterior electrical receptacles in the city-owned right-of-way at the entrance location of the new ballpark on One Line Drive and attached to two of the three Amoskeag light fixtures being reinstalled at this location.

**Informational – to be Received and Filed**

- B. Communication from Deputy City Clerk Johnson submitting the Conduct Board's report that pursuant to obligations under the provisions of Section 9.04 of the City Charter it has issued an advisory opinion to the Board of School Committee as enclosed.
- C. Minutes of the MTA Commission meeting held on January 4, 2005 and the Financial and Ridership Reports for the month of December 2004.
- D. Communication from the Executive Director of the Manchester Employee's Contributory Retirement System updating the Board on the status of bills pending before the State Legislature.

**REFERRALS TO COMMITTEES**

**COMMITTEE ON FINANCE**

E. Resolutions:

"Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Two Hundred Twenty Five Dollars (\$10,225.00) for the 2005 CIP 810305 VISTA Coordinator Project."

"Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Two Hundred Nineteen Thousand Eight Hundred Dollars (\$219,800) for the CIP 613205 Downtown & Economic Strategies Report."

"Amending the FY2005 Community Improvement Program, transferring authorizing and appropriating funds in the amount of Forty Five Thousand Dollars (\$45,000) for the 2005 CIP 510305 Parks & Recreation Master Plan Project."

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Six Thousand Nine Hundred Twenty Three Dollars and Eight Cents (\$26,923.08) for FY2005 CIP 411605 2004 Homeland Security Grant Program.”

“Amending the FY2003 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Hundred Fifty Thousand Dollars (\$150,000) for the 2003 CIP 712103 S. Mammoth Sewer – Phase 3 Project.”

“Amending the FY2001 Community Improvement Program, authorizing and appropriating funds in the amount of Fifty Thousand Dollars (\$50,000) for the FY2001 CIP 840001 MCTV-PEG Access Grant Project.”

“Amending the FY2001 Community Improvement Program, authorizing and appropriating funds in the amount of Two Million Dollars (\$2,000,000) for CIP 730201 MAA – Property Acquisition Project.”

## **REPORTS OF COMMITTEES**

### **COMMITTEE ON COMMUNITY IMPROVEMENT**

- F.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$2,000,000 for CIP 730201 Property Acquisition Project, and for such purpose a resolution and budget authorization has been submitted.
- G.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$50,000 for FY2001 CIP 840001 MCTV-PEG Access Grant Project, and for such purpose a resolution and budget authorization has been submitted.
- H.** Recommending that the Board authorize transfer and expenditure of funds in the amount of \$150,000 for FY2003 CIP 712103 South Mammoth Sewer – Phase 3 Project, and for such purpose a resolution and budget authorizations have been submitted.

- I. Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$26,923.08 for FY2005 CIP 411605 2004 Homeland Security Grant Program, and for such purpose a resolution and budget authorization has been submitted.
- J. Recommending that the Board authorize transfer and expenditure of funds in the amount of \$45,000 for 2005 CIP 510305 Parks & Recreation Master Plan Project, and for such purpose a resolution and budget authorization has been submitted.
- K. Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$219,800 for CIP 613205 Downtown & Economic Strategies Report, and for such purpose a resolution and budget authorization has been submitted.
- L. Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$10,225 for the FY2005 CIP 810305 VISTA Coordinator Project, and for such purpose a resolution and budget authorization has been submitted.
- M. Recommending that CIP 411904 Project Safe Neighborhoods-Revision #1 and CIP 412004 Speed Enforcement-Revision #2 be extended from December 31, 2004 to June 30, 2005.
- N. Advising that it has approved a request from the Airport Director to expend \$5,400 to purchase a used 1996 tractor to replace a 1979 International tractor that is used to relocate the airport's portable snowmelters.
- O. Recommending that a request for a sewer abatement for property located at 33 High Ridge Road be granted and approved in the amount of \$337.90, as recommended by the Environmental Protection Division.

**COMMITTEE ON TRAFFIC/PUBLIC SAFETY**

- P.** Recommending that parking along Line Drive be limited to two hours by signage, and that handicapped parking will be limited to two permanent spaces with the ability of the Fisher Cats to place additional temporary handicapped parking signs out during games under the supervision of Police and Traffic Departments.
- Q.** Recommending that the Board approve a five-year agreement between the City of Manchester and Cameron Real Estate, Inc. for leasing parking spaces in the Victory Parking Garage as enclosed herein, and that the Mayor be authorized to execute same subject to the review and approval of the City Solicitor.
- R.** Recommending that regulations governing standing, stopping, parking and operations of vehicles be adopted and put into effect when duly advertised and posted.
- S.** Advising that it has approved Ordinance:  
“Amending Chapter 71: Snow Emergency Regulations, Sections 71.03 and 71.99 of the Code of Ordinances of the City of Manchester increasing the penalties for violation of snow emergency winter parking.”  
and recommends same be referred to the Committee on Bills on Second Reading for technical review.

**LADIES AND GENTLEMEN, HAVING READ THE CONSENT AGENDA, A MOTION WOULD BE IN ORDER THAT THE CONSENT AGENDA BE APPROVED.**

- 7.** Nominations to be presented by Mayor Baines, if available.

8. Mayor Baines advises that a motion is in order to recess the regular meeting to allow the Committee on Finance to meet.
9. Mayor Baines calls the meeting back to order.

### **OTHER BUSINESS**

10. Report of Committee on Community Improvement recommending that Gill Stadium be taken out of the Enterprise system in fiscal year 2006.  
**Ladies and Gentlemen, what is your pleasure?**
11. Report of the Committee on Finance, if available.  
**Ladies and Gentlemen, what is your pleasure?**
12. Report of Committee on Traffic recommending that Ordinance:  
    "Amending Section 70.55 Residential Permit Parking, of the Code of Ordinances of the City of Manchester by adding a Residential Parking Permit Zone #5."  
be approved; and further that the rules be suspended and the Ordinance be adopted February 15, 2005.  
**A motion is in order that the report of the Committee on Traffic/Public Safety be accepted.**
13. If the report of the Committee on Traffic/Public Safety has been accepted, a motion is in order to suspend the rules and place the Ordinance on its final reading by title only at this time without referral to the Committees on Bills on Second Reading and Accounts, Enrollment and Revenue Administration.  
  
Ordinance: **(A motion is in order to read by title only.)**  
    "Amending Section 70.55 Residential Permit Parking, of the Code of Ordinances of the City of Manchester by adding a Residential Parking Permit Zone #5."  
**This Ordinance having had its final presentation a motion is in order on passing same to be Ordained.**

14. Communication from Kevin Dillon, Airport Director, requesting discussion with the Board regarding a \$10 million line of credit for Airport use.

**Ladies and Gentlemen, what is your pleasure?**

15. Communication from the Director of Planning & Community Development advising of important changes in federal funding to the City of Manchester should the President's budget proposal to Congress be implemented.

**Ladies and Gentlemen, what is your pleasure?**

16. Communication from Attorney Kermit Kerr submitting a second request that the Board authorize Rene Soucy to include Map 861, Lot 25 in the variance application to the Manchester Zoning Board of Adjustment.

**Ladies and Gentlemen, what is your pleasure?**

17. Communication from Steven Leraris submitting a resolution in support of voting rights for residents of the District of Columbia.

**Ladies and Gentlemen, what is your pleasure?**

18. Resolutions: (A motion is in order to read by titles only.)

"Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Two Hundred Twenty Five Dollars (\$10,225.00) for the 2005 CIP 810305 VISTA Coordinator Project."

"Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Two Hundred Nineteen Thousand Eight Hundred Dollars (\$219,800) for the CIP 613205 Downtown & Economic Strategies Report."

"Amending the FY2005 Community Improvement Program, transferring authorizing and appropriating funds in the amount of Forty Five Thousand Dollars (\$45,000) for the 2005 CIP 510305 Parks & Recreation Master Plan Project."

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Six Thousand Nine Hundred Twenty Three Dollars and Eight Cents (\$26,923.08) for FY2005 CIP 411605 2004 Homeland Security Grant Program.”

“Amending the FY2003 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Hundred Fifty Thousand Dollars (\$150,000) for the 2003 CIP 712103 S. Mammoth Sewer – Phase 3 Project.”

“Amending the FY2001 Community Improvement Program, authorizing and appropriating funds in the amount of Fifty Thousand Dollars (\$50,000) for the FY2001 CIP 840001 MCTV-PEG Access Grant Project.”

“Amending the FY2001 Community Improvement Program, authorizing and appropriating funds in the amount of Two Million Dollars (\$2,000,000) for CIP 730201 MAA – Property Acquisition Project.”

**A motion is in order that the Resolutions pass and be enrolled.**

### **TABLED ITEM**

**A motion is in order to remove the following item from the table for discussion.**

19. Communication from Alderman Gatsas requesting a discussion and information regarding going out to bid to engage Bond Counsel for the City’s next contract and requesting the Finance Officer to provide information relating to the previous bidding process including documentation.  
*(Tabled 02/01/2005. Communication dated February 4, 2005 from the Finance Officer and City Solicitor enclosed and previously forwarded to Mayor and all Aldermen.)*

**20. NEW BUSINESS**

- a) Communications
- b) Aldermen

21. If there is no further business, a motion is in order to adjourn.

A

January 26, 2005

Office of the City Clerk  
City of Manchester  
One City Hall Plaza  
Manchester, NH 03101-2097

Enclosed for your review is a pole license petition for the installation of 2 exterior electrical receptacles in the city owned right of way at the entrance location of the new ballpark on One Line Drive and attached to 2 of the 3 Amoskeag Light fixtures being reinstalled at this location.

If approved, please have the License section signed by the proper authority. Keep a copy for your records and return a copy with original signatures to me at the address below. If this petition is rejected, please return the documents to me with documentation as to why it was rejected.

We appreciate your help in expediting this petition. Please give me a call if you have any questions. I can be reached at (603) 641 2005.

Sincerely

A handwritten signature in black ink, appearing to read "Mike Biagini". The signature is fluid and cursive, with the first name "Mike" being more prominent and the last name "Biagini" written in a more compact, cursive style.

Mike Biagini  
New Hampshire Fisher Cats

A

**PETITION AND POLE LICENSE:  
PETITION**

January 26, 2005

Manchester, New Hampshire

**To the Board of Mayor and Aldermen of the City of Manchester, New Hampshire**

6 to 4 to 3, LLC requests a License to install and maintain underground conduits, cable and wires, and attach to 2 city owned Amoskeag Light fixtures on One Line Drive, Manchester, NH, Together with such sustaining, strengthening, and protecting fixtures as may be necessary along, and under the following public ways:

Energize 2 exterior receptacles in the public right of way at the entrance to the Ball Park.

6 to 4 to 3, LLC

by: Mike Biagini

**LICENSE**

Upon the foregoing petition and it appearing that the public good so requires, it is hereby

**ORDERED**

This Twenty Sixth day of January, 2005, that, 6 to 4 to 3, LLC be and hereby are granted a license to erect and maintain electrical outlets on city owned light poles in a public right of way with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the public ways covered by said petition. All of said wires, except such as are vertically attached to poles and structures, shall be placed in accordance with the National Safety Code in effect at the time of petition and/or license is granted.

The approximate location of the poles and structures shall be shown on plan attached to this petition

City of Manchester, New Hampshire

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

Received and entered in the records of the City of Manchester, New Hampshire. Book \_\_\_\_\_. Page \_\_\_\_

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_

City Clerk

**Conditions upon which the Pole Location License cited on attached documents is Granted:**

1. Excavation, obstructions, or encumbrances shall at all times be properly guarded, barricaded or fenced during the whole time the highway is excavated, obstructed or encumbered,, and lights shall be maintained throughout the night so that all excavations, obstructions and encumbrances may be readily seen.
2. The grantee hereby agrees to indemnify and save harmless the City of Manchester, NH for all claims for damages or injury whatsoever that may arise from the excavation, obstruction, encumbrance or occupation of said highway and the applicant shall be accountable for all damage that may occur on account of said excavation, obstruction, encumbrance or occupation of the aforesaid highway made or created in violation of the terms of this License; the City of Manchester in no case assumes any responsibility or liability by reason of the issuing of this Grant.
3. Shade trees shall neither be cut down, cut, trimmed or otherwise injured by the grantee, unless special permission shall have been granted by the abutting owner or owners, or the city.
4. The grantee shall neither grant permission to place signs, or advertisements, (excepting only city street signs), nor permit the same to be attached to or displayed on or upon any pole or poles within the City of Manchester, and said grantee shall remove or cause to be removed all such signs or advertisements which may be so placed by any corporation, firm, person, or persons.
5. The grantee shall paint all poles within the City of Manchester, unless such poles are of the creosote treated type or it is otherwise specified in this grant, the standard color is dark green.
6. The highway shall be left in as good condition and repair upon the completion of the work necessitated by this grant as existed previously, and the Department of Highways may restore the highway to as good condition and repair or cause the same to be restored under its direction, and the grantee shall reimburse the City for any and all liability and expenses occasioned by reason of such work.
7. All poles shall be of wood or other suitable material, and the wires shall be run along and across the highway between the points named herein, and shall be maintained at least 18 feet above the surface of the ground.

DMH (BY OTHERS)  
HOTEL PARCEL TO COORDINATE  
CONNECTION TO DMH9 WITH  
STADIUM CONTRACTOR

RAISE RIM TO  
FINISHED GRADE  
(158.3±)

CENTER ISLAND LIGHT TO BE  
BY EXISTING RIVERWALK LIGHT  
CONTRACTOR TO COORDINATE  
INSTALLATION WITH PSNH

NEW LINE DRIVE  
OFF  
S. CONANT ST.

ADD  
EXT. RECEPT.  
TO FIXTURE  
DMH 9

RELOCATED  
AMOS DEN  
LIGHT  
FIXTURES

STADIUM  
ENTR.

RIM=152±  
INV IN=145.50  
INV OUT=145.40  
48LF, S=0.02,  
8" PVC, SDR 35

RELAY EXISTING PIPE  
AT 1% SLOPE. MAINTAIN  
INVERT INTO ECB2

CONNECT TO EXI  
SMH WITH INTERNAL  
INV IN=1

NOTES:

VERIFYING AND  
OF ALL EXISTING



# CITY OF MANCHESTER

## Office of the City Clerk



Leo R. Bernier  
City Clerk

Carol A. Johnson  
Deputy City Clerk

Paula L-Kang  
Deputy Clerk  
Administrative Services

Matthew Normand  
Deputy Clerk  
Licensing & Facilities

Patricia Piecuch  
Deputy Clerk  
Financial Administration

February 9, 2005

The Honorable  
Board of Mayor and Aldermen  
One City Hall Plaza  
Manchester, NH 03101

Re: Report issued pursuant to City Charter Section 9.04 Conduct Board

In May of 2004 the Conduct Board received a referral from the Board of School Committee regarding various allegations of violations of the City Charter by School Committee Member Arthur Beaudry.

In fulfillment of its obligation under Section 9.04 of the City Charter the Conduct Board hereby reports that it has issued an advisory opinion to the Board of School Committee as enclosed herein.

Submitted on behalf of the Conduct Board,

Carol A. Johnson  
Deputy City Clerk

Enclosure

C: Members, Conduct Board  
Board of School Committee  
Arthur Beaudry  
Attorney James Connor  
Attorney Russ Hilliard  
Superintendent Ludwell



# CITY OF MANCHESTER

## Office of the City Clerk



Leo R. Bernier  
City Clerk

Carol A. Johnson  
Deputy City Clerk

Paula L-Kang  
Deputy Clerk  
Administrative Services

Matthew Normand  
Deputy Clerk  
Licensing & Facilities

Patricia Piecuch  
Deputy Clerk  
Financial Administration

February 9, 2005

The Honorable  
Board of School Committee  
196 Bridge Street  
Manchester, NH 03104

Re: Advisory opinion in the matter of  
Board of School Committee V. School Committee Member Arthur Beaudry

Honorable Members:

Enclosed for your consideration is a response to your referral of allegations of violations of the City Charter by Arthur Beaudry pursuant to City Charter Section 9.04. The opinion advises of the findings and recommendations of the Conduct Board regarding this matter.

Sincerely,

Carol A. Johnson  
Deputy City Clerk

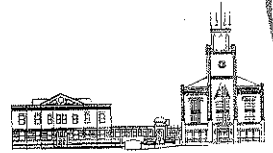
Enclosure

C: Members, Conduct Board  
Arthur Beaudry  
Attorney James Connor  
Attorney Russ Hilliard  
Superintendent Ludwell



# CITY OF MANCHESTER

## Conduct Board



### Final Release of Opinions

*February 4, 2005*

**In the matter of allegations  
Manchester School District  
V**

**School Committee Member Arthur Beaudry**

Pursuant to Section 9.04 of the City Charter of the City of Manchester a Conduct Board having been established, five members of said Board met on the following occasions in consideration of its duties under these provisions of said Charter:

- June 29, 2004
- September 8, 2004
- November 8, 2004
- November 29, 2004
- December 8, 2004
- January 21, 2005
- February 4, 2005

**WITH REGARD TO ALLEGATIONS FILED AGAINST SCHOOL COMMITTEE MEMBER ARTHUR BEAUDRY THE CONDUCT BOARD FINDS AS FOLLOWS:**

1. That the matter of considering the allegations is within the jurisdiction of this Board.
2. That consistent with Item 1 above, the Board considered two introductory paragraphs and paragraphs 1 through 8 regarding the David Ryan matter; paragraphs 9 and 10 regarding the Athletic Personnel Matters; paragraph 11 regarding the Arthur Adamakos matter; paragraphs 14 and 15 regarding the Union Issues matter; and paragraph 16 regarding the Student Placement matter as attached hereto and contained herein by reference. It is noted that the Board accepted the withdrawal by the School District of paragraphs 12 and 13 relating to the David Raymond Case.
3. That the Board interprets Section 9.03 g) of this Code to be read expansively notwithstanding the provisions of 9.02 b) as is consistent under the provisions of Section 9.04 of the Charter; and therefore that with regard to the David Ryan matter, David Ryan is found to be a city official under 9.03 g) in that being employed by the School District as an Assistant Principal was his office.

B

4. That with regard to the David Ryan allegations presented in paragraphs 1 through 8 Arthur Beaudry is found in violation of Manchester City Charter Section 9.03g) *Non-Interference* based on a preponderance of the evidence. That the preamble to Section 9.03 of such Charter states "It is declaratory and is to be read consistently with the requirements of New Hampshire law and not to create duties less stringent than those required by New Hampshire law." and Section 9.03g) *Non-Interference* states "...the board of school committee shall act in all matters as a body, and shall not seek individually to influence the official acts of any city official, or to direct or request, except in writing, the appointment or removal of any person to or from office;" and that all other documents presented inclusive of Regulations of the State Board of Education Power and Duties of School Boards, Manchester School District Policies - School Board Policies and Administrative Procedures, Board Member Authority, Substantive Duties, Board-Superintendent Relationship, Line and Staff Relations, School Building Administration, School Principals, and the New Hampshire Code of Administrative Rules Parts Ed303, Ed303 and Ed304 are consistent with and support such finding with testimony heard in that Mr. Ryan was adversely affected by School Board Member Beaudry's behavior acting as an individual rather than the School Board acting as a body.
5. The Board finds that Mr. Beaudry was an "engaged" board member who often took on school issues on his own.

These efforts many times resulted in great benefit to the school district. He was able to expeditiously accomplish things that might not have been accomplished such as the weight room at Memorial High School. However, the danger in individual board members striking out on their own becomes apparent in the Ryan case. The Conduct Board finds by a preponderance of the evidence that Mr. Beaudry interfered in Mr. Ryan's, Mr. Rist's and others' school duties not out of a desire to improve the school district but out of a personal agenda that he had with Mr. Ryan.

A school board member cannot use his or her position in this manner. Mr. Beaudry's concerns with Mr. and Mrs. Ryan should have been handled at the Board level. Mr. Beaudry testified that he tried to do that but was told that the Board could not get involved. If that occurred then the Board itself shares some of the blame in this matter.

6. That with regard to paragraphs 9, 10, 11, 14, 15 and 16 the Board finds no violation of the City Charter relating to Article IX, Standards of Conduct.

RECOMMENDATIONS TO THE BOARD OF SCHOOL COMMITTEE PROVIDED BY THIS REPORT ARE AS FOLLOWS:

1. Amend the Rules of the Board of School Committee to include:

*Under Page 3, Chapter 1, Organization of the Board, 1:05*

g. Committee on Ethics – five members (5)

B

*Under Page 6, new heading*

1:15 The Committee on Ethics

The Committee on Ethics will review and investigate any complaints received on School Board Members relative to conduct and behavior inappropriate to the office of a school board member. Complaints alleging improper influence on School Employees or Officials is unacceptable behavior and could subject the school board member to removal from any Committee appointments and any further action deemed necessary by the Ethics Committee.

2. A procedural booklet could be developed by the Committee under the guidance of District Counsel and presented to each Board Member concerning their expected behavior. The booklet could outline what constitutes improper influence, misconduct, abuse of power, etc. The Conduct Board has heard over 16 hours of testimony and trusts that the School Board through an Ethics Committee could provide a forum to deal with, and discipline if necessary, its own members should an occasion ever arise again.
3. A review of the Personnel Records dealing with District Employees concerning privacy issues should be carried out by the Personnel Director, the Superintendent, and the School District's Counsel for the purpose of compliance with Federal and State law relative to access and disclosure. Presently School Board Members are allowed access to employees' personal records, which while included in the current administrative rules and policy, may not meet Federal and State Privacy law. To be considered are what circumstances does a School Board Member need access to a personnel file. There is an appearance of intrusion much like giving the 400 legislators in the State House individual access to a state employee's personal file. Applicants who apply for positions and are not considered or selected should be privatized.
4. Policy on referral to the Conduct Board by the School District to allow for full submission of documents and supporting counsel to allow for speedy and fair hearing for any respondent and the Conduct Board in the future. Delays in full presentations of materials and changes in counsel resulted in this case being received in May of 2004 and decisions not finalized until February of 2005.
5. The School Board working with its superintendent, administration, and principals need to adopt a binding policy governing individual school board members unannounced visits to schools. An open door policy is contradictory to the principal's authority to supervise and run the operations of the school inclusive of work assignments as in the Beaudry case and can lead to micro-management, improper influence, daily interference or tying up the principal's time. The Building and Sites Committee appears to be the only committee authorized to visit schools from "time to time", which does not or should not mean individually, every day.

B

6. Policies relating to school officials working at part time jobs as long as permission and approval is obtained from the principal and/or superintendent should be reviewed. In the David Ryan matter, much time was spent by the Board reviewing a related matter where testimony reflected that Mr. Ryan had requested and received permission to attend to outside matters during school hours. Mr. Rist, Principal of Central High School, provided testimony indicating that a number of employees work far beyond the work standard and are sometimes compensated in a similar fashion. The Board supports the process that Mr. Ryan and Mr. Rist followed in utilizing a common sense decision. What should have been a simple personnel matter handled appropriately by school officials was raised to a violation of the Charter level from what appears to be a situation of not accepting the decision made, and contradicting internal policy.
7. The School District should reimburse David Ryan for any legal costs incurred relating to the allegations referred to the Conduct Board. It is the opinion of this Board that the School Board had the responsibility to set policy and procedure standards and hold members accountable. Mr. Beaudry's actions, while a member of the School Board, resulted in Mr. Ryan's pursuit of legal advice and counsel to protect his reputation and position within the District at his own expense.
8. The School Board should review and adopt rules or policy prohibiting Board members appearing or advocating for any Union or non-affiliated employee involving job duties, negotiations or possible grievance. The Manchester Education Association is capable of representing their union members. A school board member's presence in the room with any employee lends credence to the employee's cause.
9. The Board received testimony regarding the placement of an out-of-state disciplinary student moving to New Hampshire and seeking admission at Parkside Junior High School in which the initial decisions by Parkside were reversed. The student had previously been expelled out of state for disciplinary reasons. It is recommended that the Board review policy and that such situations be heard before the School Board's Committee on Conduct and Discipline in the future. This would set a standard and alleviate any individual member's need to intercede on behalf of a constituent in the future.
10. As a follow up to Principal Rist's closing testimony "Lastly, I must say that this entire event will do nothing constructive to enable us to better educate the children at Manchester High School Central,..." it is suggested that the Board of School Committee bring swift closure to these matters and in particular provide for a meeting of those parties involved in the David Ryan matter. It is hoped that the conclusions of this matter will not result in an uncomfortable or hostile work environment for Mr. Ryan, his wife or Mr. Rist and will not negatively impact any current or future student in the Manchester school system.

**MANCHESTER  
TRANSIT AUTHORITY**

110 ELM STREET, MANCHESTER, N.H. 03101-2799  
TELEPHONE: (603) 623-8801  
FAX: (603) 626-4512  
e-mail: [MTA@grolen.com](mailto:MTA@grolen.com) • website: [www.mtabus.org](http://www.mtabus.org)



JOHN H. TRISCIANI, CHAIR  
DAVID F. JESPERSEN, VICE CHAIR  
EUGENE E. BOISVERT  
JULIE A. GUSTAFSON  
JOSEPH J. DESELLE

DAVID SMITH  
EXECUTIVE DIRECTOR

February 2, 2005

Mr. Leo Bernier, City Clerk  
City of Manchester  
One City Hall Plaza  
Manchester, NH 03101

Dear Leo,

The MTA Commissioners held a Commission Meeting on Tuesday, February 1, 2005. Enclosed are the approved Minutes of our January 4, 2005 Commission Meeting, as well as the Financial and Ridership Reports for the month of December 2004.

The next scheduled Commission Meeting will be Tuesday, March 1, 2005 at 5:00 PM.

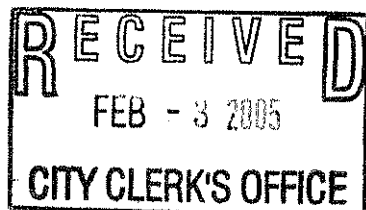
If you should have any questions, please feel free to contact me at extension 612.

Very truly yours,

David Smith  
Executive Director

DS:cr

Enclosures





JOHN H. TRISCIANI, *CHAIR*  
DAVID F. JESPERSEN, *VICE CHAIR*  
EUGENE E. BOISVERT  
JULIE A. GUSTAFSON  
JOSEPH J. DESELLE

DAVID SMITH  
*EXECUTIVE DIRECTOR*

**Manchester Transit Authority**

**January 4, 2005 Commission Meeting**

**MEMBERS PRESENT:**

Chairman John H. Trisciani  
Vice Chairman David F. Jespersen  
Commissioner Julie A. Gustafson  
Commissioner Joseph J. Deselle

**PERSONNEL PRESENT:**

David Smith, Executive Director  
Karyn Porter, Assistant Executive Director  
William J. Cantwell, Supt. of Administration  
Evan P. Rosset, Operations Planning Manager  
Paul Beauregard, Shop Manager

1. a. Chairman TRISCIANI called the meeting to order at 5:00 PM.
- b. TRISCIANI suspended the regular order of business and introduced President-elect of ATU Local 717 Mr. Edmund Joyce. Mr. Joyce expressed his eagerness to start working with Management and MTA Board Members. Commissioners and staff extended their congratulations to Mr. Joyce.  
  
TRISCIANI requested a moment of silence on the passing of Commissioner Eugene E. Boisvert who died December 20, 2004.
- c. **Minutes of November 30, 2004 Commission Meeting.** JESPERSEN made a motion to approve the Minutes of the November 30, 2004 Commission Meeting as presented. Seconded by GUSTAFSON. All Commissioners in favor.

**MANAGEMENT REPORTS**

2. a. **Financial Report for November 2004.** JESPERSEN made a motion to approve the Financial Report for November 2004. Seconded by GUSTAFSON.

C

**Transit Operation:** CANTWELL reported revenues were \$26,608 (11.31%) higher than budget. Operating revenues were \$7,604 (36.91%) more than budget. Farebox income averaged \$4,280 per weekly deposit. Variances were receipt of ticket sales from area agencies and sale of fuel to the City. Expenses were \$29,409 (11.16%) higher than budget. All expenses tracked well except for higher fringe benefits this month due to prepayment of December's health insurance invoice and the increase in fuel cost.

**School Operation:** Revenues were \$6,837 (2.85%) more than budget. The reason was more billable buses. School charter revenue recovered during the month of November. CANTWELL feels confident we will bounce back on charter revenue in the spring. Total expenses for the month were \$11,294 (5.16%) more than budget. He explained expenses tracked well, school labor and cost of fuel were the greatest variances. The two operations are following within budget.

The Balance Sheet and Check Register were reviewed. TRISCIANI commented that overtime was less than \$11,000. TRISCIANI was pleased to see only one manual payroll check was cut. CANTWELL reported the School District's September and October payment were unpaid until the late bus fees were settled. There is \$6,000 in accounts receivable related to charter work and ticket sales. GUSTAFSON asked if we are allowed a certain number of late buses.

TRISCIANI said there is no room for late buses at this time. GUSTAFSON suggested notifying the school in writing whenever an adjustment is made to a

route. All Commissioners in favor of approving Financial Report for November 2004.

- b. **Operations Report for November 2004.** ROSSET noted "Passengers For Transit Year-To-Date" should be 10.86%. He explained "Efficiency Percent Of Operators Available Versus Scheduled" is a record of absenteeism and he is still working on how to record this information. SMITH reported on charter information requested by TRISCIANI, informing the Board we did 84 school charters in November 2004 versus 115 in November 2003.

**Transit Report:** PORTER stated ridership showed an 11.56% increase over the same month last year, with the Goffs Falls, Gossler-St. Anselm and Bedford Mall showing the greatest increases. The Bedford Mall and South Beech runs increased due to the holiday shopping season. The grocery shopping shuttles showed a substantial increase. She reported Verizon ridership decreased substantially because we covered fewer events. TRISCIANI explained to the members that the Verizon buses should only be sent out for hockey events. We have been dispatching buses to all events with very low ridership, and the costs have been coming out of our pockets. The first year the Verizon opened, the City funded \$20,000 subsidy geared towards Verizon work. PORTER polled the drivers and on average ridership is not good, but there have been unique events like the "Boston Pops" where the bus had to go back three times. She said other than hockey we need to evaluate and select certain types of events we will service and we need to market and let the public know when we are not servicing an event. JESPERSEN asked how much money we spend per event in driver wages.

C

SMITH said two drivers are paid four hours each in overtime. JESPERSEN said the operators are paid \$22.50 per hour for 15 minutes of work. PORTER said we could charge the passengers or have Verizon add a slight fee to their ticket sales. TRISCIANI said we should consider that expense in our FY 2006 budget. SMITH stated he met with marketing representatives from the Manchester Wolves and discussed a number of ideas for service, but they want revenue from us to advertise.

**School Report:** ROSSET reported on the amount of drivers trained and retained during the month of November. He said we started the month with 70 active operators and ended the month with 78. ROSSET reported on pupil transportation status stating November saw only six late buses for the month with about 3 of those trips being late because of an absent driver with a tight schedule. He explained when we have list drivers available we try to break the pairing of difficult runs. TRISCIANI said it's been a difficult school year and we must work hard to get back our credibility with the School District and members of the School Board. School Board Member Gatsas has always been outspoken about putting the school bus contract out to bid. TRISCIANI said we couldn't afford to lose the school contract because it covers 50% of our expenses. He instructed staff to do whatever they have to do to make the school operation flawless. He wants someone to be out there driving the routes to see if they are running correctly. PORTER explained we have two trainers who have been working with drivers on their individual runs and are now physically going out and doing the routes. TRISCIANI feels someone else should be able to operate the VersaTrans

computer software so ROSSET can oversee other areas of the school operation.

He feels ROSSET is too valuable to be sitting at the computer most of the day.

**Maintenance Report:** BEAUREGARD reported there were no on the job injuries, a few road calls for transit and school, overtime was low, and they completed forty-four inspections. They installed a new transmission in 1141 and 9101's paint job is complete. BEAUREGARD reported they did eleven work orders for the City. TRISCIANI was pleased Alternate Transit Advertising ("ATA") sold a new bus wrap. SMITH stated bus 0101 will have the new wrap (U.S.Cellular) and Remax has extended their contract, so 9801 will be wrapped with their new ad. ATA has been talking to a vendor about doing a rear wrap.

## **NEW BUSINESS**

- 3      a.      **Election of Officers.** JESPERSEN nominated TRISCIANI to serve as Chairman. With no further nominations, JESPERSEN made a motion for TRISCIANI to serve as Chairman. Seconded by DESELLE. All Commissioners present in favor. TRISCIANI nominated JESPERSEN to serve as Vice Chairman. With no further nominations, TRISCIANI made a motion for JESPERSEN to serve as Vice Chairman. Seconded by GUSTAFSON. All Commissioners in favor.
- b.      **Disposal of One 1974 GMC Transit Bus.** SMITH recommended taking one 1974 GMC transit bus out of service and to keep another as an historic bus. He has been approached by the Seacoast Trolley Museum and they are interested in one of the 1974 buses because of their good condition. He explained since there is no value in selling them because they don't have wheelchair lifts, SMITH recommend donating one bus and one engine pack to the Seacoast Trolley

C

Museum. DESELLE made a motion to approve SMITH's recommendation.

Seconded by GUSTAFSON. JESPERSEN amended the motion to add that the remaining fareboxes also be donated to the museum. Seconded by GUSTAFSON. All Commissioners in favor.

- c. **FY 2006 Community Improvement Program.** SMITH said this is the time to consider next years' CIP request. When the Planning Department sent out the invitation to apply, they indicated bonding capacity had been used up last year and requested departments not ask for capital items that require bonding, and that would be our buses. SMITH said on the preliminary plan he submitted, we planned for 3 buses per year for 3 years. If we cannot replace buses in FY 2006, we would need to replace five Vistas' in FY 2007 and four 1991 Orion's' in FY 2008. He removed the two vans since City cash would be required to fund those vehicles. He kept in the paratransit scheduling software and interior/exterior painting of the terminal. SMITH asked the Board if they want to leave the buses in for FY 2006. TRISCIANI and GUSTAFSON recommended leaving the three buses in the CIP to see if they will fund them and to make them aware we need to purchase buses. All Commissioners agreed. JESPERSEN asked if they couldn't fund buses this year could we get a commitment for future years. SMITH doesn't feel they would give a commitment. SMITH said the New Hampshire Department of Transportation is trying to get 10% funding of buses and vans programmed in the State's TIP. SMITH said that would bring the local share under \$100,000. GUSTAFSON recommended approving the CIP budget as presented by SMITH. Seconded by DESELLE. All Commissioners in favor.

- C
- d. **FY 2004 Financial Statement.** SMITH reported total assets increased by \$375,000; this is reflected in capital adjustment in fareboxes and terminal improvements. TRISCIANI said total liability and assets went up over \$203,000. SMITH said that is primarily because of capital investment. SMITH explained last years' audit did not recognize the Hartford's Deferred Compensation Plan. He explained that is listed under investments in assets and liability. He said that is employee money and was not in previous audit. JESPERSEN asked if we used the same audit firm as last year. SMITH said we have 2 more years of a 5-year contract. TRISCIANI said total operating expenses are 5 million dollars and did not go up much higher than 2003. SMITH said increase in overall capital was the purchase of buses. JESPERSEN remembers how one report had comments on weaknesses. SMITH said historically this report always carried one material weakness and it was the fareboxes not registering properly. We no longer have that weakness now that we replaced the fareboxes. SMITH said the Financial Management Oversight review was more in depth. DESELLE made a motion to approve Ron L. Beaulieu's FY 2004 Audited Financial Report. Seconded by JESPERSEN. All Commissioners in favor.
- e. **FY 2006 Health Insurance Premium.** SMITH explained for budgetary purposes HealthTrust gives us a prediction this time each year of what the health rate will be July 1st. Their prediction changes very little when we get the exact rate in May. Last year they projected a 19% increase and they are predicting almost a 25% increase for this year.

9

Last year we made two changes in the labor contract. One change was to reduce the plan from 3 tier to 2 tier and add dental insurance. This resulted in only a 2.5% increase in the rate. We also negotiated an "opener" in the contract if there should be an indication the increase will be more than 20%, that Union and Management will meet and agree on a means to keep the cost increase within 20%. He will bring that up with the new Union representatives.

### **OLD BUSINESS**

4. a. **Radio Purchase Approval.** SMITH recommended approval of the sole source procurement for a new radio system for transit and school buses. This is necessary because we're going on the City's radio system. The transit portion will cost \$45,895 and the school's portion will be \$129,460. FTA has approved this sole source procurement. DESELLE made a motion to approve the sole source procurement for the purchase of transit and school bus radios. Seconded by JESPERSEN. All Commissioners in favor.
- b. **Board Budget Priorities – FY 2006.** SMITH said this is the time of year we start to prepare our preliminary budget to be presented to the Mayor in mid February. Our present budget priorities are under control although over budget in building repairs like the HVAC work and transformer, and over budget for fuel. SMITH said the present budget is consistent with what we had planned last year. He recommended this year we would budget for street supervisor and split the training responsibilities by using one of our certified trainers as a full-time trainer/coordinator. Adding the new position will not increase our hourly labor costs since Bill Rogers is working over 40 hours and the trainer is putting in 30/35

hours. The trainer/coordinator would be eligible to receive benefits. TRISCIANI asked if Bill would still be in charge of drug and alcohol since he is the safety supervisor. SMITH replied that will still be his responsibility.

SMITH said we are also planning a way to cover school dispatch in a better way. Currently this is a split shift of four hours in the morning and four hours in the afternoon. SMITH recommended creating a part-time shift from 6:00 to 9:00 AM and a full-time shift from 9:00 AM to 5:00 PM. For the remainder of this fiscal year we could have the training coordinator cover the early morning shift and before the beginning of the next school year hire a part-time person. He wants to immediately move forward with the road supervisor and training coordinator positions. JESPERSEN made a motion to go with SMITH's recommendations. Seconded by DESELLE. All Commissioners in favor.

SMITH talked about next years' staffing. He suggested MTA consider adding a StepSaver Coordinator. He explained the StepSaver functions are split amongst several staff members. StepSaver is steadily increasing and it will be more than one dispatcher will be able to handle manually scheduling people. JESPERSEN asked if paratransit could be contracted out. SMITH said ROSSET considered a contract with STS to do the scheduling and recommended we should keep that in-house and contract out eligibility assessment. ROSSET explained Nashua is currently doing 180 demand-response trips per day. They informed him to get our program in place now because growth will happen fast. JESPERSEN said the elderly is the fastest growing population and their services will be expanding.

C

TRISCIANI asked for the status of the bus sign project and expressed his desires to get that project completed. TRISCIANI stated he was disappointed that we did not get more news coverage of the new buses and the ribbon cutting ceremony. He also felt we should have used the buses immediately after the ceremony was over, even if we had to do the ceremony 3 or 4 weeks later.

- c. **Goals and Objectives.** SMITH explained First Transit Vice President David Lee would be at our facility to sit down with the Board and discuss FY 2006 goals and objectives.

## **OTHER BUSINESS**

5. a. **Committee for Computer & Vans.** JESPERSEN and GUSTAFSON volunteered to be on the Bid Review Committee for the purchase of computer upgrade and cutaway vans. The bids will be opened on February 11<sup>th</sup> and JESPERSEN and GUSTAFSON will meet at the MTA on February 14<sup>th</sup> at 10:00 AM to review the proposals and make recommendations to the remaining Board Members.
- b. **Snow Plowing.** JESPERSEN asked about snow plowing bus stops along Elm Street. He would like to see someone push the snow so people can get into a shelter or to a bus from the sidewalk. SMITH said the Highway Department plows the streets and sidewalks. Parks & Rec. maintains Veterans Park. Both departments have problems with us removing snow on Elm Street.
- c. **Date for Next Meeting.** Tuesday, February 1, 2005.

With no further business to come before the Board, GUSTAFSON made a motion to adjourn the meeting at 6:45 PM. Seconded by DESELLE. All Commissioners in favor.



Transit

December 2004

MANCHESTER TRANSIT AUTHORITY  
INCOME STATEMENT TRANSIT  
DECEMBER 01, 2004 - DECEMBER 31, 2004  
REPORT # 002 VERSION # 000200 FORMAT # 02

	CURRENT PERIOD				YEAR TO DATE				YTD NET CHANGE	
	THIS YEAR	PCT	BUDGET	PCT	THIS YEAR	PCT	BUDGET	PCT	AMOUNT	VAR%
FAREBOX REVENUE										
4010 FAREBOX	18,156.57	7.3	15,000.00	6.3	97,094.47	6.6	81,000.00	5.7	16,094.47	19.8
4011 TICKETS - ADULTS	2,076.00	0.8	1,850.00	0.7	13,852.00	0.9	11,100.00	0.7	2,752.00	24.7
4012 TICKETS - SENIORS	665.00	0.2	800.00	0.3	5,155.00	0.3	4,800.00	0.3	355.00	7.4
4013 TICKETS - STUDENTS	6,188.25	2.4	0.00	0.0	9,152.80	0.6	0.00	0.0	9,152.80	100.0
4014 MONTHLY FULL FARE	3,251.50	1.3	1,500.00	0.6	12,632.00	0.8	9,000.00	0.6	3,632.00	40.3
4015 HANDICAPPED FEES	335.75	0.1	1,500.00	0.6	5,931.16	0.4	9,000.00	0.6	3,068.84	34.1
4058 MONTHLY HALF FARE	891.75	0.3	1,450.00	0.6	6,386.75	0.4	8,700.00	0.6	2,313.25	26.5
TOTAL FAREBOX & TICKETS	31,564.82	12.6	22,100.00	9.2	150,204.18	10.2	123,600.00	8.7	26,604.18	21.5
TRANSIT CHARTER										
4050 SPECIAL FARE	2,100.00	0.8	1,500.00	0.6	6,625.50	0.4	9,000.00	0.6	2,374.50	26.3
TOTAL SPECIAL FARES	2,100.00	0.8	1,500.00	0.6	6,625.50	0.4	9,000.00	0.6	2,374.50	26.3
OTHER INCOME										
4039 SALE FUELS CITY	18,917.31	7.6	14,438.00	6.0	124,569.63	8.5	86,628.00	6.1	37,941.63	43.8
4056 RENT BUS TERMINAL	1,200.00	0.4	1,600.00	0.6	9,600.00	0.6	9,600.00	0.6	0.00	0.0
4057 NH EMPLOYMENT DIV	6,105.00	2.4	0.00	0.0	6,105.00	0.4	0.00	0.0	6,105.00	100.0
4060 ADVERTISING SERVICES	1,794.49	0.7	5,000.00	2.1	31,413.48	2.1	30,000.00	2.1	1,413.48	4.7
4070 SALES MAINT.SERVICE	626.10	0.2	2,500.00	1.0	9,888.18	0.6	15,000.00	1.0	5,111.82	34.0
4071 SALE OF BUSES & VEH	5,000.00	2.0	0.00	0.0	5,400.00	0.3	0.00	0.0	5,400.00	100.0
4072 INTEREST INCOME	728.11	0.2	300.00	0.1	3,307.44	0.2	1,800.00	0.1	1,507.44	83.7
4073 MISCELLANEOUS	87.05	0.0	25.00	0.0	577.73	0.0	150.00	0.0	427.73	285.1
4075 SENIOR PICTURES	16.00	0.0	25.00	0.0	86.00	0.0	150.00	0.0	64.00	42.6
TOTAL OTHER REVENUE	34,474.06	13.8	23,888.00	10.0	190,947.46	13.0	143,328.00	10.0	47,619.46	33.2
TOTAL OPERATION REVENUE	68,138.88	27.3	47,488.00	19.9	347,777.14	23.8	275,928.00	19.4	71,849.14	26.0
ASSISTANCE										
4090 OPER. ASST. C. OF M.	84,315.42	33.8	85,791.00	36.0	505,892.52	34.6	514,746.00	36.2	8,853.48	1.7
4091 OPER. ASST. BEDFORD	3,300.00	1.3	3,300.00	1.3	19,800.00	1.3	19,800.00	1.3	0.00	0.0
4092 OPER.ASST NHDES	2,852.00	1.1	0.00	0.0	2,852.00	0.2	0.00	0.0	2,852.00	100.0
4130 OPER.ASST., SEC.9	90,202.00	36.2	101,591.00	42.6	583,097.00	39.9	609,546.00	42.9	26,449.00	4.3
TOTAL ASSISTANCE	180,669.42	72.6	190,682.00	80.0	1,111,641.52	76.1	1,144,092.00	80.5	32,450.48	2.8
TOTAL REVENUES	248,808.30	100.0	238,170.00	100.0	1,459,418.66	100.0	1,420,020.00	100.0	39,398.66	2.7
EXPENSES										
LABOR										
5010 OPERATORS WAGES	55,734.37	21.0	65,052.00	23.9	330,040.61	20.4	372,004.00	23.3	41,963.39	11.2
5011 OPERATORS WAGES E&H	8,970.08	3.3	9,720.00	3.5	45,562.33	2.8	55,585.00	3.4	10,022.67	18.0
5110 OPERATORS O.T. WAGES	8,370.33	3.1	6,463.00	2.3	45,349.95	2.8	36,957.00	2.3	8,392.95	22.7
5110 OPERATOR O.T. E&H	319.87	0.1	65.00	0.0	1,503.52	0.0	373.00	0.0	1,130.52	303.0
5013 MECHANICS WAGES	16,586.71	6.2	14,084.00	5.1	71,036.65	4.4	80,831.00	5.0	9,794.35	12.1
5113 MECHANICS O.T. WAGES	2,091.52	0.7	0.00	0.0	3,344.92	0.2	0.00	0.0	3,344.92	100.0
5017 TRANS ADMIN WAGES	9,276.86	3.5	7,443.00	2.7	39,712.53	2.4	42,719.00	2.6	3,006.47	7.0
5018 WAGES MAINT. ADMIN	2,732.75	1.0	3,618.00	1.3	19,411.85	1.2	20,766.00	1.3	1,354.15	6.5
5019 WAGES OFFICE ADMIN	6,129.20	2.3	5,766.00	2.1	37,422.17	2.3	33,090.00	2.0	4,332.17	13.0
5117 WAGES TRANSP O.T.	368.12	0.1	249.00	0.0	7,365.56	0.4	1,494.00	0.0	5,871.56	393.0

## INCOME STATEMENT TRANSIT

DECEMBER 01, 2004 - DECEMBER 31, 2004

REPORT # 002 VERSION # 000200 FORMAT # 02

	CURRENT PERIOD				YEAR TO DATE				YTD NET CHANGE	
	THIS YEAR	PCT	BUDGET	PCT	THIS YEAR	PCT	BUDGET	PCT	AMOUNT	VAR%
5119 WAGES OFFICE O.T.	67.84	0.0	80.00	0.0	454.27	0.0	480.00	0.0	25.73-	5.3-
6003 PAYROLL TRANSACTION	156.66	0.0	0.00	0.0	105.36	0.0	0.00	0.0	105.36	100.0
<b>TOTAL LABOR</b>	<b>110,804.31</b>	<b>41.7</b>	<b>112,540.00</b>	<b>41.4</b>	<b>601,309.72</b>	<b>37.2</b>	<b>644,299.00</b>	<b>40.4</b>	<b>42,989.28-</b>	<b>6.6-</b>
<b>FRINGE BENEFITS</b>										
5004 TRANS ADM SICK WAGES	1,315.93	0.5	166.00	0.0	3,407.70	0.2	996.00	0.0	2,411.70	242.1
5005 TRANS ADM VAC WAGES	1,299.00	0.4	908.00	0.3	7,829.31	0.4	5,448.00	0.3	2,381.31	43.7
5006 TRANS ADM HOL WAGES	961.50	0.3	555.00	0.2	3,413.26	0.2	3,330.00	0.2	83.26	2.5
5007 MAINT ADM SICK WAGES	0.00	0.0	84.00	0.0	0.00	0.0	504.00	0.0	504.00-	100.0-
5008 MAINT ADM VAC WAGES	1,777.30	0.6	281.00	0.1	5,531.19	0.3	1,686.00	0.1	3,845.19	228.0
5009 MAINT ADM HOL WAGES	349.52	0.1	366.00	0.1	1,699.58	0.1	2,196.00	0.1	496.42-	22.6-
5014 OFFICE VAC WAGES	922.68	0.3	635.00	0.2	4,574.25	0.2	3,810.00	0.2	764.25	20.0
5015 OFFICE HOLIDAY WAGES	526.06	0.2	413.00	0.1	2,050.64	0.1	2,478.00	0.1	427.36-	17.2-
5016 OFFICE SICK WAGES	507.84	0.1	124.00	0.0	786.96	0.0	744.00	0.0	42.96	5.7
5021 F.I.C.A.	10,660.66	4.0	10,698.00	3.9	63,624.15	3.9	61,525.00	3.8	2,099.15	3.4
5022 N.H. UNEMPLOYMENT	470.00	0.1	492.00	0.1	2,820.00	0.1	2,952.00	0.1	132.00-	4.4-
5023 PENSION	5,280.00	1.9	6,110.00	2.2	34,636.43	2.1	36,660.00	2.3	2,023.57-	5.5-
5024 HEALTH INSURANCE	6,216.28-	2.3-	32,269.00	11.8	184,930.51	11.4	193,614.00	12.1	8,683.49-	4.4-
5025 DENTAL INSURANCE	930.12-	0.3-	0.00	0.0	73.21-	0.0	0.00	0.0	73.21-	100.0
5026 LIFE INSURANCE	0.00	0.0	663.00	0.2	6,141.05	0.3	3,978.00	0.2	2,163.05	54.3
5027 WORKER'S COMP	4,079.85	1.5	4,695.00	1.7	23,955.98	1.4	27,305.00	1.7	3,349.02-	12.2-
5028 OPERATORS SICK PAY	1,441.30	0.5	2,555.00	0.9	17,003.18	1.0	15,330.00	0.9	1,673.18	10.9
5034 OPERATORS VACATION	4,614.00	1.7	4,563.00	1.6	27,682.20	1.7	27,378.00	1.7	304.20	1.1
5031 OPERATORS HOLIDAY	6,520.16	2.4	3,407.00	1.2	24,674.31	1.5	20,442.00	1.2	4,232.31	20.7
5029 MECHANICS SICK PAY	3,218.16	1.2	96.00	0.0	3,218.16	0.2	576.00	0.0	2,642.16	458.7
5035 MECHANICS VACATION	1,817.00	0.6	1,605.00	0.5	10,902.44	0.6	9,630.00	0.6	1,272.44	13.2
5032 MECHANICS HOLIDAY	2,122.00	0.8	1,156.00	0.4	6,491.68	0.4	6,936.00	0.4	444.32-	6.4-
5037 OPER UNIFORM ALLOW	1,801.82	0.6	756.00	0.2	5,081.62	0.3	4,536.00	0.2	545.62	12.0
5038 MAINT UNIFORM ALLOW	322.28	0.1	630.00	0.2	2,534.68	0.1	3,276.00	0.2	741.32-	22.6-
5120 MAINT TOOL ALLOWANCE	0.00	0.0	108.00	0.0	668.00	0.0	648.00	0.0	20.00	3.0
5095 OP/MECH FRINGE RATE	2,058.98-	0.7-	7,157.00-	2.6-	30,308.24-	1.8-	41,748.00-	2.6-	11,439.76	27.4
6006 FRINGE BENEFITS	6,219.57-	2.3-	6,260.00-	2.3-	35,966.47-	2.2-	37,560.00-	2.3-	1,593.53	4.2
<b>TOTAL FRINGE BENEFIT</b>	<b>34,582.11</b>	<b>13.0</b>	<b>59,918.00</b>	<b>22.0</b>	<b>377,309.36</b>	<b>23.3</b>	<b>356,670.00</b>	<b>22.3</b>	<b>20,639.36</b>	<b>5.7</b>
<b>SERVICES</b>										
5039 MGMNT/CONSULTANT FEE	10,760.00	4.0	11,875.00	4.3	68,554.62	4.2	71,250.00	4.4	2,695.38-	3.7-
5041 COMMISSIONERS EXP	83.33	0.0	83.00	0.0	529.06	0.0	498.00	0.0	31.06	6.2
5042 OUTSIDE ADVERTISING	2,176.75	0.8	250.00	0.0	4,667.90	0.2	1,500.00	0.0	3,167.90	211.1
5043 LEGAL EXPENSES	1,356.68	0.5	625.00	0.2	3,359.12	0.2	3,750.00	0.2	390.88-	10.4-
5044 AUDITING EXPENSES	4,892.00	1.8	0.00	0.0	4,892.00	0.3	4,800.00	0.3	92.00	1.9
5045 SERVICE BUREAU	733.22	0.2	1,000.00	0.3	3,897.90	0.2	6,000.00	0.3	2,102.10-	35.0-
5046 SECURITY SERVICE	52.66	0.0	47.00	0.0	803.82	0.0	282.00	0.0	521.82	185.0
5047 REPAIRS BLG & GRNDS	4,164.31	1.5	1,188.00	0.4	32,098.27	1.9	7,128.00	0.4	24,970.27	350.3
5048 REPAIRS SHOP EQUIP.	17.69	0.0	214.00	0.0	78.65	0.0	1,284.00	0.0	1,205.35-	93.8-
5049 REPAIRS OFFICE EQUIP	203.23	0.0	173.00	0.0	1,110.76	0.0	1,038.00	0.0	72.76	7.0
5050 REPAIRS - RADIOS	0.00	0.0	83.00	0.0	0.00	0.0	498.00	0.0	498.00-	100.0-
5051 JANITORIAL SERVICES	492.80	0.1	625.00	0.2	2,880.56	0.1	3,750.00	0.2	869.44-	23.1-
5052 JANITORIAL SUPPLIES	391.65	0.1	31.00	0.0	611.12	0.0	186.00	0.0	425.12	228.5
5081 PRE-EMPLOY MED. EXAM	65.00	0.0	83.00	0.0	65.00	0.0	498.00	0.0	433.00-	86.9-
5100 DRUG & ALCOHOL TESTS	0.00	0.0	333.00	0.1	2,270.00	0.1	1,998.00	0.1	272.00	13.6

## INCOME STATEMENT TRANSIT

DECEMBER 01, 2004 - DECEMBER 31, 2004

REPORT # 002 VERSION # 000200 FORMAT # 02

	CURRENT PERIOD				YEAR TO DATE				YTD NET CHANGE	
	THIS YEAR	PCT	BUDGET	PCT	THIS YEAR	PCT	BUDGET	PCT	AMOUNT	VAR%
6002 MARKETING EXPENSE	220.50	0.0	0.00	0.0	220.50	0.0	0.00	0.0	220.50	100.0
TOTAL SERVICES	25,609.82	9.6	16,610.00	6.1	126,039.28	7.8	104,460.00	6.5	21,579.28	20.6
MATERIAL & SUPPLIES										
5001 PURCHASES DISCOUNTS	643.02	0.2	250.00	0.0	3,609.59	0.2	1,500.00	0.0	2,109.59	140.6
5053 FUELS CITY DEPTS	20,270.29	7.6	13,750.00	5.0	114,190.44	7.0	82,500.00	5.1	31,690.44	38.4
5055 GASOLINE OPERATIONS	424.64	0.1	42.00	0.0	2,190.07	0.1	252.00	0.0	1,938.07	769.0
5056 GASOLINE SUPPORT VEH	66.88	0.0	42.00	0.0	347.15	0.0	252.00	0.0	95.15	37.7
5057 DIESEL OPERATIONS	14,784.69	5.5	10,899.00	4.0	72,640.60	4.5	62,757.00	3.9	9,883.60	15.7
5058 OIL & GREASE	315.68	0.1	336.00	0.1	1,489.43	0.0	1,916.00	0.1	426.57	22.2
5060 TIRES	353.72	0.1	1,274.00	0.4	7,372.14	0.4	7,340.00	0.4	32.14	0.4
5061 TRANS.-MISC.	39.99	0.0	167.00	0.0	460.35	0.0	1,002.00	0.0	541.65	54.0
5062 TRANS. SCHED/TKTS	0.00	0.0	417.00	0.1	523.65	0.0	2,502.00	0.1	1,978.35	79.0
5063 MAINTENANCE PARTS	9,577.11	3.6	10,494.00	3.8	39,099.64	2.4	61,046.00	3.8	21,946.36	35.9
5065 MAINTENANCE SUPPLIES	1,269.34	0.4	639.00	0.2	4,212.14	0.2	3,834.00	0.2	378.14	9.8
5066 OFFICE SUPPLIES	652.08	0.2	1,083.00	0.4	6,559.18	0.4	6,498.00	0.4	61.18	0.9
5067 MISC. OFFICE SUPPLIE	574.97	0.2	173.00	0.0	4,066.16	0.2	1,038.00	0.0	3,028.16	291.7
5093 ANTI-FREEZE EXP	20.87	0.0	87.00	0.0	136.37	0.0	522.00	0.0	385.63	73.8
5098 HAZARDOUS MATERIALS	0.00	0.0	98.00	0.0	693.95	0.0	588.00	0.0	105.95	18.0
5099 BODY SHOP SUPPLIES	412.37	0.1	98.00	0.0	2,108.11	0.1	588.00	0.0	1,520.11	258.5
6005 OUTSIDE PARTS/LABOR	0.00	0.0	42.00	0.0	404.00	0.0	252.00	0.0	152.00	60.3
TOTAL MATERIAL & SUPPLIES	48,119.61	18.1	39,391.00	14.4	252,883.79	15.6	231,387.00	14.5	21,496.79	9.2
UTILITIES										
5068 NATURAL GAS	2,182.02	0.8	1,140.00	0.4	3,241.68	0.2	3,840.00	0.2	598.32	15.5
5069 TELEPHONE	579.35	0.2	594.00	0.2	3,467.18	0.2	3,564.00	0.2	96.82	2.7
5070 ELECTRICITY	2,127.45	0.8	1,853.00	0.6	10,018.91	0.6	11,118.00	0.7	1,099.09	9.8
5071 WATER	139.14	0.0	124.00	0.0	783.46	0.0	744.00	0.0	39.46	5.3
TOTAL UTILITIES	5,027.96	1.9	3,711.00	1.3	17,511.23	1.0	19,266.00	1.2	1,754.77	9.1
INSURANCE										
5072 PUBLIC LIABILITY INS	8,818.00	3.3	8,819.00	3.2	52,920.00	3.2	52,914.00	3.3	6.00	0.0
5074 OTHER LIABILITY INS	1,125.00	0.4	1,145.00	0.4	6,747.00	0.4	6,870.00	0.4	123.00	1.7
TOTAL INSURANCE	9,943.00	3.7	9,964.00	3.6	59,667.00	3.7	59,784.00	3.7	117.00	0.2
OTHER EXPENSES										
5064 REPAIRS CITY TERMINL	258.70	0.1	250.00	0.0	1,540.34	0.1	1,500.00	0.0	40.34	2.6
5076 OPERATORS LICENSES	70.00	0.0	25.00	0.0	140.00	0.0	150.00	0.0	10.00	6.6
5078 DUES & MEMBERSHIP	0.00	0.0	83.00	0.0	415.00	0.0	498.00	0.0	83.00	16.6
5079 TRAINING & MEETINGS	128.50	0.0	83.00	0.0	512.12	0.0	498.00	0.0	14.12	2.8
5094 GRIEVANCE EXPENSE	1,500.00	0.5	38.00	0.0	1,643.17	0.1	228.00	0.0	1,415.17	620.6
5097 DEPRECIATION EXPENSE	29,157.75	10.9	29,158.00	10.7	174,946.50	10.8	174,948.00	10.9	1.50	0.0
TOTAL OTHER EXPENSES	31,114.95	11.7	29,637.00	10.9	179,197.13	11.1	177,822.00	11.1	1,375.13	0.7
TOTAL EXPENSES	265,201.76	100.0	271,771.00	100.0	1,613,917.51	100.0	1,593,688.00	100.0	20,229.51	1.2

PAGE 4

DECEMBER 01, 2004 - DECEMBER 31, 2004

CURRENT PERIOD				YEAR TO DATE				YTD NET CHANGE	
THIS YEAR	PCT	BUDGET	PCT	THIS YEAR	PCT	BUDGET	PCT	AMOUNT	VAR%
16,393.46-	6.1-	33,601.00-	12.3-	154,498.85-	9.5-	173,668.00-	10.9-	19,169.15	11.0



School

December 2004

## INCOME STATEMENT SCHOOL

DECEMBER 01, 2004 - DECEMBER 31, 2004

REPORT # 003 VERSION # 000008 FORMAT # 02

	CURRENT PERIOD				YEAR TO DATE				YTD NET CHANGE	
	THIS YEAR	PCT	BUDGET	PCT	THIS YEAR	PCT	BUDGET	PCT	AMOUNT	VAR%
STUDENT TRANSPORTATION										
4030 PUPIL CONTRACT	182,178.12	75.2	189,779.00	80.6	751,516.32	74.7	759,116.00	76.4	7,599.68-	1.0-
4031 SKILL CENTER	18,852.85	7.7	16,083.00	6.8	76,751.65	7.6	64,332.00	6.4	12,419.65	19.3
4032 SPECIAL NEEDS	10,292.40	4.2	10,292.00	4.3	51,462.00	5.1	51,460.00	5.1	2.00	0.0
4038 STUDENT TICKETS	5,024.25	2.0	4,000.00	1.7	21,012.20	2.0	16,000.00	1.6	5,012.20	31.3
TOTAL STUDENT TRANSPRTN	216,347.62	89.3	220,154.00	93.5	900,742.17	89.5	890,908.00	89.7	9,834.17	1.1
SCHOOL CHARTERS										
4052 SWIM TEAM	119.50	0.0	0.00	0.0	119.50	0.0	0.00	0.0	119.50	100.0
4073 MISCELLANEOUS OTHER	47.50	0.0	0.00	0.0	497.10	0.0	0.00	0.0	497.10	100.0
4077 CHARTER "BAND"	3,032.50	1.2	0.00	0.0	9,863.50	0.9	0.00	0.0	9,863.50	100.0
4079 CHARTER "BASKETBALL"	5,380.00	2.2	0.00	0.0	5,380.00	0.5	0.00	0.0	5,380.00	100.0
4080 CHARTER "CROSSCNTRY"	0.00	0.0	0.00	0.0	4,972.00	0.4	0.00	0.0	4,972.00	100.0
4081 CHARTER "FIELDTRIPS"	12,697.00	5.2	15,000.00	6.3	46,253.50	4.6	101,000.00	10.1	54,746.50-	54.2-
4082 CHARTER "FOOTBALL"	0.00	0.0	0.00	0.0	8,743.75	0.8	0.00	0.0	8,743.75	100.0
4083 CHARTER "GOLF"	0.00	0.0	0.00	0.0	3,165.50	0.3	0.00	0.0	3,165.50	100.0
4084 CHARTER "HOCKEY"	818.00	0.3	0.00	0.0	4,353.50	0.4	0.00	0.0	4,353.50	100.0
4085 CHARTER "SOCCER"	0.00	0.0	0.00	0.0	13,112.00	1.3	0.00	0.0	13,112.00	100.0
4086 CHARTER "TRACK"	1,278.00	0.5	0.00	0.0	1,278.00	0.1	0.00	0.0	1,278.00	100.0
4087 CHARTER "VOLLEYBALL"	0.00	0.0	0.00	0.0	2,957.50	0.2	0.00	0.0	2,957.50	100.0
4088 CHARTER "WRESTLING"	2,117.50	0.8	0.00	0.0	2,262.50	0.2	0.00	0.0	2,262.50	100.0
TOTAL SCHOOL CHARTERS	25,490.00	10.5	15,000.00	6.3	102,958.35	10.2	101,000.00	10.1	1,958.35	1.9
INTEREST INCOME	433.96	0.1	100.00	0.0	2,036.29	0.2	600.00	0.0	1,436.29	239.3
TOTAL SCHOOL REVENUES	242,271.58	100.0	235,254.00	100.0	1,005,736.81	100.0	992,508.00	100.0	13,228.81	1.3
EXPENSES										
LABOR										
5003 FULLTIME OPERATORS	20.53	0.0	608.00	0.2	988.03	0.0	2,677.00	0.2	1,688.97-	63.0-
5010 PART-TIMER OP WAGES	93,272.09	39.1	73,795.00	31.9	387,716.89	32.1	354,849.00	30.7	32,867.89	9.2
5112 F/T OPERATORS OT	456.07	0.1	0.00	0.0	10,349.57	0.8	0.00	0.0	10,349.57	100.0
5110 OPERATORS O.T. WAGES	3,629.67	1.5	3,452.00	1.5	21,725.22	1.8	16,586.00	1.4	5,139.22	30.9
5013 WAGES MECHANICS	3,601.16	1.5	9,787.00	4.2	44,669.59	3.7	56,171.00	4.8	11,501.41-	20.4-
5017 WAGES TRANS ADMIN	4,455.38	1.8	6,352.00	2.7	36,531.35	3.0	36,521.00	3.1	10.35	0.0
5018 WAGES MAINT. ADMIN	2,624.05	1.1	3,347.00	1.4	17,872.36	1.4	19,211.00	1.6	1,338.64-	6.9-
5019 WAGES ADMINISTRATION	3,283.33	1.3	4,380.00	1.9	21,327.27	1.7	25,151.00	2.1	3,823.73-	15.2-
5117 WAGES TRANSP O.T.	214.29	0.0	249.00	0.1	3,465.51	0.2	1,494.00	0.1	1,971.51	131.9
5119 WAGES ADMIN O.T.	0.00	0.0	49.00	0.0	7.54	0.0	294.00	0.0	286.46-	97.4-
6003 PAYROLL TRANSACTION	51.30-	0.0	0.00	0.0	57.61	0.0	0.00	0.0	57.61	100.0
TOTAL LABOR EXPENSES	111,505.27	46.7	102,019.00	44.2	544,710.94	45.2	512,954.00	44.4	31,756.94	6.1
FRINGE BENEFITS										
5021 FICA EXPENSE	8,757.51	3.6	8,284.00	3.5	40,265.96	3.3	35,900.00	3.1	4,365.96	12.1
5024 HEALTH INSURANCE	2,140.72-	0.9-	0.00	0.0	614.11	0.0	0.00	0.0	614.11	100.0
5025 DENTAL INSURANCE	1,260.97-	0.5-	0.00	0.0	2,296.10-	0.1-	0.00	0.0	2,296.10-	100.0
5027 WORKER'S COMP	2,664.00	1.1	3,576.00	1.5	15,984.00	1.3	14,746.00	1.2	1,238.00	8.4
5031 OPERATORS HOL. WAGES	4,998.40	2.1	11,423.00	4.9	5,287.60	0.4	11,423.00	0.9	6,135.40-	53.7-
5034 OPERATORS VACATION	4,759.50	2.0	5,543.00	2.4	4,759.50	0.4	5,543.00	0.4	783.50-	14.1-

## INCOME STATEMENT SCHOOL

DECEMBER 01, 2004 - DECEMBER 31, 2004

REPORT # 003 VERSION # 000008 FORMAT # 02

	CURRENT PERIOD				YEAR TO DATE				YTD NET CHANGE	
	THIS YEAR	PCT	BUDGET	PCT	THIS YEAR	PCT	BUDGET	PCT	AMOUNT	VAR%
5037 OPER UNIFORMS ALLOW	250.75	0.1	329.00	0.1	250.75	0.0	1,974.00	0.1	1,723.25-	87.3-
5038 MAINT UNIFORM ALLOW	0.00	0.0	0.00	0.0	355.97	0.0	0.00	0.0	355.97	100.0
5120 MAINT TOOL ALLOW	0.00	0.0	0.00	0.0	632.00	0.0	0.00	0.0	632.00	100.0
5095 OP/MECH FRINGE RATE	2,058.98	0.8	7,157.00	3.1	30,308.24	2.5	41,748.00	3.6	11,439.76-	27.4-
6006 FRINGE BENEFITS	6,219.57	2.6	6,260.00	2.7	35,966.47	2.9	37,560.00	3.2	1,593.53-	4.2-
<b>TOTAL FRINGES</b>	<b>26,307.02</b>	<b>11.0</b>	<b>42,572.00</b>	<b>18.4</b>	<b>132,128.50</b>	<b>10.9</b>	<b>148,894.00</b>	<b>12.8</b>	<b>16,765.50-</b>	<b>11.2-</b>
<b>SERVICES</b>										
5039 CONSULTANT FEES	10,760.00	4.5	11,875.00	5.1	68,554.63	5.6	71,250.00	6.1	2,695.37-	3.7-
5041 COMMISSIONERS EXPENSE	83.33	0.0	83.00	0.0	499.98	0.0	498.00	0.0	1.98	0.4
5042 OUTSIDE ADVERTISING	0.00	0.0	1,000.00	0.4	13,097.78	1.0	6,000.00	0.5	7,097.78	118.3
5043 LEGAL EXPENSES	2,035.02	0.8	208.00	0.0	5,038.68	0.4	1,248.00	0.1	3,790.68	303.7
5044 AUDITING EXPENSES	7,338.00	3.0	0.00	0.0	7,338.00	0.6	7,200.00	0.6	138.00	1.9
5045 SERVICE BUREAU	1,710.85	0.7	1,500.00	0.6	8,465.02	0.7	9,000.00	0.7	534.98-	5.9-
5046 SECURITY SERVICE	48.60	0.0	70.00	0.0	1,500.09	0.1	420.00	0.0	1,080.09	257.1
5047 REPAIRS BLDG & GRNDS	1,736.37	0.7	896.00	0.3	19,421.66	1.6	5,376.00	0.4	14,045.66	261.2
5048 REPAIRS SHOP EQUIP.	12.30	0.0	161.00	0.0	46.05	0.0	966.00	0.0	919.95-	95.2-
5049 OFFICE EQUIP & RPR	187.59	0.0	160.00	0.0	1,010.91	0.0	960.00	0.0	50.91	5.3
5050 REPAIRS RADIO	0.00	0.0	83.00	0.0	0.00	0.0	498.00	0.0	498.00-	100.0-
5051 JANITORIAL SERVICES	492.80	0.2	625.00	0.2	2,880.56	0.2	3,750.00	0.3	869.44-	23.1-
5052 JANITORIAL SUPPLIES	391.65	0.1	31.00	0.0	611.11	0.0	186.00	0.0	425.11	228.5
5100 DRUG & ALCOHOL TESTS	350.00	0.1	667.00	0.2	3,715.00	0.3	4,002.00	0.3	287.00-	7.1-
<b>TOTAL SERVICES</b>	<b>25,146.51</b>	<b>10.5</b>	<b>17,359.00</b>	<b>7.5</b>	<b>132,179.47</b>	<b>10.9</b>	<b>111,354.00</b>	<b>9.6</b>	<b>20,825.47</b>	<b>18.7</b>
<b>MATERIAL &amp; SUPPLIES</b>										
5055 GASOLINE	1,027.74	0.4	0.00	0.0	4,074.53	0.3	0.00	0.0	4,074.53	100.0
5056 GASOLINE SUPPORT	0.00	0.0	0.00	0.0	21.45	0.0	0.00	0.0	21.45	100.0
5057 DIESEL	16,127.99	6.7	11,362.00	4.9	57,897.03	4.8	49,825.00	4.3	8,072.03	16.2
5058 OIL & GREASE	322.01	0.1	549.00	0.2	1,504.97	0.1	2,408.00	0.2	903.03-	37.5-
5060 TIRES	1,344.54	0.5	1,202.00	0.5	4,979.81	0.4	5,270.00	0.4	290.19-	5.5-
5061 TRANS-MISC.	78.99	0.0	333.00	0.1	3,961.76	0.3	1,998.00	0.1	1,963.76	98.2
5062 TRANS. SCHED/TKTS	0.00	0.0	83.00	0.0	219.35	0.0	498.00	0.0	278.65-	55.9-
5063 MAINTENANCE PARTS	4,285.99	1.8	6,100.00	2.6	25,713.15	2.1	26,750.00	2.3	1,036.85-	3.8-
5065 MAINTENANCE SUPPLIES	882.08	0.3	444.00	0.1	2,916.80	0.2	2,664.00	0.2	252.80	9.4
5066 OFFICE SUPPLIES	227.18	0.1	1,000.00	0.4	3,377.25	0.2	6,000.00	0.5	2,622.75-	43.7-
5067 MISC. OFFICE SUPPLIE	733.00	0.3	160.00	0.0	2,371.62	0.2	960.00	0.0	1,411.62	147.0
5093 ANTI-FREEZE EXP	10.85	0.0	0.00	0.0	122.71	0.0	0.00	0.0	122.71	100.0
5098 HAZARDOUS MATERIALS	0.00	0.0	68.00	0.0	587.37	0.0	408.00	0.0	179.37	43.9
5099 BODY SHOP SUPPLIES	208.76	0.0	68.00	0.0	1,322.74	0.1	408.00	0.0	914.74	224.2
6005 OUTSIDE PARTS/LABOR	0.00	0.0	42.00	0.0	2,439.00	0.2	252.00	0.0	2,187.00	867.8
<b>TOTAL MATERIAL &amp; SUPPLIES</b>	<b>25,249.13</b>	<b>10.5</b>	<b>21,411.00</b>	<b>9.2</b>	<b>111,509.54</b>	<b>9.2</b>	<b>97,441.00</b>	<b>8.4</b>	<b>14,068.54</b>	<b>14.4</b>
<b>UTILITIES</b>										
5068 NATURAL GAS	1,646.08	0.6	860.00	0.3	2,445.47	0.2	5,160.00	0.4	2,714.53-	52.6-
5069 TELEPHONE	474.00	0.2	448.00	0.1	2,836.71	0.2	2,688.00	0.2	148.71	5.5
5070 ELECTRICITY	1,740.64	0.7	1,398.00	0.6	8,197.29	0.6	8,388.00	0.7	190.71-	2.2-
5071 WATER	113.84	0.0	93.00	0.0	641.02	0.0	558.00	0.0	83.02	14.8
<b>TOTAL UTILITIES</b>	<b>3,974.56</b>	<b>1.6</b>	<b>2,799.00</b>	<b>1.2</b>	<b>14,120.49</b>	<b>1.1</b>	<b>16,794.00</b>	<b>1.4</b>	<b>2,673.51-</b>	<b>15.9-</b>

## INCOME STATEMENT SCHOOL

DECEMBER 01, 2004 - DECEMBER 31, 2004

REPORT # 003 VERSION # 000008 FORMAT # 02

	CURRENT PERIOD				YEAR TO DATE				YTD NET CHANGE	
	THIS YEAR	PCT	BUDGET	PCT	THIS YEAR	PCT	BUDGET	PCT	AMOUNT	VAR%
-----										
INSURANCE										
5072 PUBLIC LIABILITY	22,273.00	9.3	22,273.00	9.6	133,638.00	11.1	133,638.00	11.5	0.00	0.0
5074 OTHER LIABILITY	939.00	0.3	967.00	0.4	5,630.28	0.4	5,802.00	0.5	171.72-	2.9-
-----										
TOTAL INSURANCE	23,212.00	9.7	23,240.00	10.0	139,268.28	11.5	139,440.00	12.0	171.72-	0.1-
-----										
OTHER EXPENSES										
5076 OPERATORS LICENSES	140.00	0.0	125.00	0.0	560.00	0.0	750.00	0.0	190.00-	25.3-
5077 INTEREST EXPENSE	0.00	0.0	0.00	0.0	26.94	0.0	0.00	0.0	26.94	100.0
5078 DUES & MEMBERSHIP	0.00	0.0	167.00	0.0	0.00	0.0	1,002.00	0.0	1,002.00-	100.0-
5079 TRAINING & MEETINGS	421.45	0.1	167.00	0.0	2,590.72	0.2	1,002.00	0.0	1,588.72	158.5
5080 TOLLS	0.00	0.0	0.00	0.0	67.38	0.0	0.00	0.0	67.38	100.0
5081 PRE-EMPLOYMENT EXAM	2,590.00	1.0	833.00	0.3	7,110.00	0.5	4,998.00	0.4	2,112.00	42.2
5094 GRIEVANCE EXPENSE	0.00	0.0	38.00	0.0	175.00	0.0	228.00	0.0	53.00-	23.2-
5097 DEPRECIATION EXPENSE	20,000.00	8.3	20,000.00	8.6	120,000.00	9.9	120,000.00	10.3	0.00	0.0
-----										
TOTAL OTHER EXPENSES	23,151.45	9.7	21,330.00	9.2	130,530.04	10.8	127,980.00	11.0	2,550.04	1.9
-----										
TOTAL EXPENSES	238,545.94	100.0	230,730.00	100.0	1,204,447.26	100.0	1,154,857.00	100.0	49,590.26	4.2
-----										
NET INCOME	3,725.64	1.5	4,524.00	1.9	198,710.45-	16.5-	162,349.00-	14.0-	36,361.45-	22.4-
=====										

# Commissioners Memorandum



To: Commissioners  
 From: Karyn Porter, Assistant Executive Director  
 Date: February 1, 2005  
 Re: Transit Statistical Report – December 2004

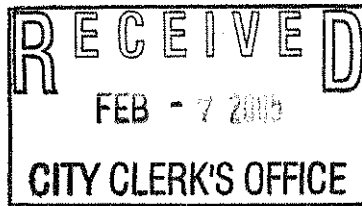
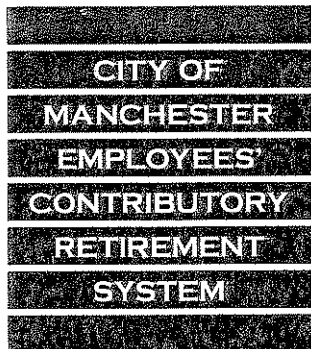
The following chart details the comparison between the current and previous year for service in December

	December		
	2003	2004	Percent
	22	23	Difference
Weekday			
Saturday	4	3	
Airport- Route #1	763	894	17.17%
Lake-Hanover St. Route #2	2921	3,256	11.47%
Goffsfalls Route #3	1048	1,312	25.19%
Page-Elliot Route #4	1755	1,792	2.11%
Pinard-Bremer Route #5	984	937	-4.78%
Gossler-St. Anselm Route #6	1778	2,034	14.40%
VA Hospital Route #7	1786	1,771	-0.84%
So. Willow Route #8	3104	3,778	21.71%
DW Highway-River Rd. Route #9	1920	1,998	4.06%
Valley-Weston Rd. Route #10	3804	3,336	-12.30%
Front St. Route #11	1531	1,451	-5.23%
So. Beech Route #12	2862	3,133	9.47%
Bedford Mall Route #13	3850	4,523	17.48%
VISTA SHUTTLE	480	478	-0.42%
HANNAFORDS SHUTTLE	579	706	21.93%
VERIZON WIRELESS SHUTTLE	1528	993	-35.01%
(number of events)	11	4	-63.64%
Weekday Fixed Route Totals	30,704	32,392	5.50%
Saturday Fixed Route Totals	2,456	2,395	-2.48%
MTA Specials & Excursions		275	
Fixed Route Weekday Average	1,396	1,408	0.91%
Total Transit Passengers Served	33,160	35,062	5.74%
Total StepSaver Passengers Served	696	768	10.34%

The attached page shows the graph of service changes over the past fiscal years

  
 Karyn Porter  
 Assistant Executive Director

D



1045 ELM ST. • SUITE 403  
MANCHESTER, NH 03101-1824  
PHONE (603) 624-6506  
FAX (603) 624-6342

Honorable Board of Mayor & Aldermen  
C/O Office of the City Clerk  
One City Hall Plaza  
Manchester, NH 03101

February 4, 2005

Honorable Members:

On November 30, 2004, I wrote to notify you of the existence of a pair of Legislative Services Requests which had been introduced for the 2005 session of the New Hampshire Legislature. Appearing subsequently before you at your meeting of December 7, 2004 and in response to a particular question put forth by Alderman Shea with respect to LSR 0379 regarding the creation of a health insurance subsidy for retired members of our plan, I promised to personally ensure that you would receive cost estimates relative to that legislation as soon as I received them from the actuary.

I am writing at this time to inform you of the status of both bills and to provide the promised cost information on the retiree health insurance proposal. Our housekeeping measure which was initially identified as LSR 0378 has been assigned House Bill number 499. The health insurance subsidy proposal which was originally designated as LSR 0379 has been assigned House Bill number 521. Copies of the text of both bills have been provided in the interest of full disclosure. Also attached is a copy of a Supplemental Actuarial Valuation generated by Gabriel, Roeder, Smith & Company, the retirement system's actuary, that estimates the cost associated with the HB-521.

In the interest of saving time and to prevent any misinterpretation of the estimate from the actuary, please allow me to summarize what can be discerned from that statement. The cost associated with HB-521, assuming that everyone who possibly qualifies to participate elects to do so, would result in the creation of an unfunded liability of \$17,015,508 which would be paid off over a thirty year period. The first year cost toward that \$17 million would be \$1,205,516 and that amount would be directly indexed to salary levels. Since we assume salaries to rise by 4% per year on average each year, the annual contribution cost in dollars would likewise be expected to rise by that same 4 percent.

D

**CITY OF  
MANCHESTER  
EMPLOYEES'  
CONTRIBUTORY  
RETIREMENT  
SYSTEM**

1045 ELM ST. • SUITE 403  
MANCHESTER, NH 03101-1824  
PHONE (603) 624-6506  
FAX (603) 624-6342



Let me also take this opportunity to make it clear that the Manchester Employees' Contributory Retirement System takes no position on this legislation either in favor or in opposition since it is not our role to advocate. Our role is to facilitate the determination and distribution of information needed in the decision making process with respect to plan benefits. As you are no doubt aware, the ultimate decision on whether proposed plan changes such as this become a reality rests with the voters of Manchester as the final step in this process is a referendum question.

I will be happy to make myself available should anyone have questions or concerns regarding this matter.

Gerard E. Fleury – Executive Director  
Manchester Employees' Contributory Retirement System

(11 page attachment)

**CITY OF MANCHESTER EMPLOYEES'  
CONTRIBUTORY RETIREMENT SYSTEM  
SUPPLEMENTAL ACTUARIAL VALUATION  
AS OF DECEMBER 31, 2003**

---

**SUBMITTED TO:** Mr. Gerard Fleury, Executive Director  
**DATE:** February 3, 2005  
**SUBMITTED BY:** Kenneth G. Alberts and Mark Buis, A.S.A., E.A., M.A.A.A.  
Gabriel, Roeder, Smith & Company

---

**BACKGROUND**

The results of a supplemental actuarial valuation requested by the City of Manchester Employees' Contributory Retirement System to measure the financial effect of providing the following benefit change are presented in this report:

- Provide a post-retirement health insurance subsidy to members.

**VALUATION DATA, METHODS AND ASSUMPTIONS**

The date of this valuation was December 31, 2003. The valuation was based on actuarial data submitted as of December 31, 2003 and actuarial methods and assumptions adopted by the Board in December, 2004 pursuant to the Experience Study dated November 12, 2004. In particular:

- The assumed rate of interest was 7.5%.
- The assumed rate of payroll growth was 4.0%.
- Changes in accrued liability were amortized over 30 years, the current period used to finance plan liabilities in the actuarial valuation.
- The funding method was entry-age normal cost.

A brief summary of the data used in this valuation is presented below.

Member Status	Number	Payroll	Average in Years	
			Age	Service
Active	1,316	\$ 41,998,187	45.9 yrs.	9.7 yrs.
Terminated Vested	68	N/A	50.6 yrs.	N/A
Retired*	469	N/A	62.3 yrs.	N/A

*\*Excludes Beneficiaries*

D

**CITY OF MANCHESTER EMPLOYEES'  
CONTRIBUTORY RETIREMENT SYSTEM  
SUPPLEMENTAL ACTUARIAL VALUATION  
AS OF DECEMBER 31, 2003**

---

**PRESENT PROVISION:**

**Monthly Health Insurance Subsidy:** Currently, there are no monthly health insurance subsidies paid to members, by the System.

**PROPOSED PROVISION:**

**Monthly Health Insurance Subsidy:**

**Eligibility:** Current and future retired members (excluding beneficiaries) who are in receipt of an annuity benefit. Spouses, dependents and/or beneficiaries are not eligible for any subsidy.

**Subsidy Amount:** The full amount of the monthly health insurance subsidy on the effective date shall be \$200 and shall increase annually by 4%, compounded annually, beginning the year after the effective date. The amount payable to an eligible member will be a percentage of the full amount based on the member's service at retirement and status on the effective date, as illustrated below:

Service at Retirement	% of Full Subsidy Payable	
	Active on or after the Effective Date	Terminated Vested or Retired on the Effective Date
Less than 10 years	25.0%	12.5%
10 years or more, but less than 15 years	50.0%	25.0%
15 years or more, but less than 20 years	75.0%	37.5%
20 years or more	100.0%	50.0%

**Member Contributions:** 1.25% of pay in addition to current pension contributions. Contributions for the health subsidy are non-refundable.

---

***Actuarial Statement***

The effect of the proposed change on computed employer-funded system costs is illustrated below:

Normal Cost	Increase in			
	Actuarial Accrued Liability		Employer Contribution Rate	
	\$'s	% to Amortize*	% of Covered Payroll	Estimated First Year \$'s
0.67%	\$17,015,508	2.09%	2.76%	\$1,205,516

\*The increase in accrued liabilities shown above is amortized over 30 years, a commonly used period for financing liabilities arising from the adoption of new benefit provisions. The amortization period is a matter of Board policy. Since there are no assets in this program, all of the accrued liability is unfunded.

D

**CITY OF MANCHESTER EMPLOYEES'  
CONTRIBUTORY RETIREMENT SYSTEM  
SUPPLEMENTAL ACTUARIAL VALUATION  
AS OF DECEMBER 31, 2003**

---

*Comments*

- A 100% utilization rate was assumed for this proposal. If all affected members do not participate, costs will be lower than shown herein.
- Service for current terminated vested members was not immediately available. Liabilities for this group were estimated by assuming that the 68 members would, on average, receive 25% of the full subsidy.
- We understand that it is the sponsor's intention that the proposed health subsidy be funded using a 401(h) Sub-Trust. These trusts are subject to certain funding restrictions. Based on the current provisions of the Retirement System and the proposed plan as well as the funding status of the System, it appears that these restrictions will not initially affect the sponsor's ability to use a 401(h) sub-trust to completely fund the proposed benefits. However, this situation could change in the future and should be carefully monitored. Alternative vehicles, or combinations thereof, should be considered.
- The proposed program provides for benefit payments to start immediately upon the effective date. However, since there are no assets currently in the plan (in general, pension assets cannot be used to pay health benefits payable from a 401 (h) account) the plan will have cash flow problems from inception. Since the annual employer contributions are in excess of the annual benefits expected to be paid during the first few years, this may not be a problem, so long as monthly contributions are deposited before the monthly benefit payments are due to be paid. Even so, cash flow will need to be regularly monitored to ensure that the fund remains solvent until a sufficient asset balance can be created. This may result in temporary contributions in excess of the costs shown herein.
- The Governmental Accounting Standards Board (GASB) has issued statements 45 and 47 which dictate how the Retirement System and the Sponsoring Employer should report costs for post-employment benefits other than pensions (such as the proposed benefit). A study of cost implications under GASB 45 and 47 is beyond the scope of the work contained herein. This report estimates the long-term cost of the proposed benefit without regard to accounting issues under GASB.
- If users of this report have reason to believe that the assumptions and interpretations that were used are unreasonable, that the plan provisions are incorrectly described, that important plan provisions are not described, or that conditions have changed since the calculations were made, contact the authors of this report prior to relying on the information in the report.

D

HB 499 - AS INTRODUCED

2005 SESSION

05-0378

10/03

HOUSE BILL **499**

AN ACT relative to participation in and administration of the Manchester employees' contributory retirement system.

SPONSORS: Rep. Baroody, Hills 13

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill makes various changes to the requirements for participation for members of the city of Manchester employees retirement system and the administration of benefits by the board.

-----

-----

Explanation: Matter added to current law appears in *bold italics*.

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

05-0378

10/03

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Five*

AN ACT relative to participation in and administration of the Manchester employees' contributory retirement system.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

D

1 Employees to Whom the Act Applies. Amend 1973, 218:7, I, as amended by 2002, 194:1, to read as follows:

I. All full-time and permanent part-time employees of the city, including elected and appointed officials of the city, shall participate in the retirement system and receive benefits as provided by the act. ***For purposes of this act, employees of the Manchester school district, Manchester public library, and the Manchester contributory retirement system shall be city employees.*** Participation in the retirement system shall be a condition of employment with the city. The following employees of the city shall not be eligible to participate in the retirement system:

(a) Temporary employees;

(b) Members of boards and commissions who are not part-time or full-time employees of the city;

(c) Members of the fire and police departments who are eligible to participate in a state-administered retirement system; ~~and~~

(d) Persons who are eligible to participate in the New Hampshire retirement system~~[-];~~  
***and***

***(e) Trustees of the Manchester contributory retirement system who are not otherwise eligible as a result of employment by the city.***

2 Service Credit and Service Buyback. Amend 1973, 218:10, I, as amended by 2002, 194:1, to read as follows:

I. Service rendered for the full normal working time in a period of 12 consecutive months shall entitle a member to one year of service credit. Time spent as a member of any of the various city boards, or in any other capacity rendering incidental employment to the city, shall not be counted as service for the purposes of this act. Absence from employment on account of active duty with the armed forces of the United States in time of emergency or war, or as directed by selective service or to meet selective service requirements, or as a member of the national guard, or organized reserves, to meet its requirements, shall be counted as continuous employment with the city, provided, that the employee returns directly to active employment with the city ~~[within 90 days]~~ after he or she becomes eligible for release from such active duty. Any such period of absence shall not be counted as service unless the employee completes a service buyback.

3 Retirement Benefit Calculation. Amend 1973, 218:12, V(a), as amended by 2002, 194:1, to read as follows:

(a) One and 1/2 percent of the member's final average earnings multiplied by the number of years, including the fractions of years represented by full months, of service completed prior to January 1, 1999, ***except that any service credit upgraded to the 2 percent rate***

D

*pursuant to paragraph VI of this section shall be calculated in accordance with subparagraph (b); plus*

4 Optional Retirement Benefit. Amend 1973, 218:12, VI, as amended by 2002, 194:1 and 2004, 159:1, to read as follows:

**VI. Prior to a member's termination of employment**, a member may elect, under rules of the board, to receive a retirement benefit of 2 percent of the member's average final earnings for all years of service or any portion thereof, provided that the member shall be responsible for payment of 50 percent of the ~~[actuarially determined cost of the]~~ benefit **based on methods and assumptions adopted by the board**. The retirement system shall be responsible for the payment of the remaining 50 percent of the ~~[actuarially determined cost of the benefit]~~ **retirement benefit based on methods and assumptions adopted by the board**.

5 Disability Retirement Benefit Calculation. Amend 1973, 218:15, II(a), as amended by 2002, 194:1 to read as follows:

(a) One and 1/2 percent of the member's final average earnings multiplied by the number of years, including the fractions of years represented by full months, of service completed prior to January 1, 1999, **except that any service credit upgraded to the 2 percent rate pursuant to section 12, paragraph VI shall be calculated in accordance with subparagraph (b); plus**

6 Disability Benefits; Medical Examination. Amend 1973, 218:15, IV, as amended by 2002, 194:1 to read as follows:

~~IV. [At least once each year]~~ Following the retirement of a member with a disability retirement pension and prior to the member's normal retirement date, the retirement board may require such retiree to undergo a medical examination to be made by or under the direction of a physician or physicians designated by the retirement board. Should any disabled member refuse to submit to such medical examination ~~[in any such period of the member's disability retirement]~~, the disability retirement pension shall be discontinued by the retirement board until the withdrawal of the refusal. If the refusal continues for one year, all the member's rights in and to a disability retirement pension shall be revoked by the retirement board. If, upon such medical examination, the physician or physicians certify to the retirement board that the disabled member is physically and mentally able and capable of resuming employment ~~[with the city, the member shall be restored to city employment in either the same position previously held or a position comparable in duties, responsibilities and compensation and the member's disability retirement pension shall be terminated. If the member, after being declared physically and mentally capable of resuming employment refuses an offer of employment by the city in the member's previous position or a comparable position]~~ **in the capacity in which the member became disabled**, the member's disability benefit shall be terminated.

7 Adjustments. Amend 1973, 218:20, as amended by 2002, 194:1, to read as follows:

D

218:20 Adjustments in Benefits for Retirees to Maintain Financial Parity. In order to maintain the economic value of a member's retirement income on a parity with the value of the monthly payments at the time of retirement, and to offset the impact of inflation in reducing the real income of the member's retirement payment, the retirement board may, as deemed necessary, adjust the payments to retirees to maintain their incomes at an approximate level with their real incomes at the time of retirement, provided, however, that payments to retired members shall not be less than the payment to which they were initially entitled at the time of retirement; provided further that sufficient funds are available to fund any additional benefits either through earnings of the retirement fund or through such special appropriation by the city as may be approved by the board of mayor and aldermen. *Any adjustment made to a member's retirement income by the retirement board pursuant to this section shall not apply to the additional retirement allowance or benefit purchased by the member pursuant to section 9, paragraph III.*

8 Retirement System Employees. Upon the effective date of this section, employees of the Manchester employees' contributory retirement system in service on the effective date, shall be eligible to purchase prior service credit for continuous time in the service of the Manchester employees contributory retirement system. The cost of such service shall be paid by the member based on methods and assumptions adopted by the board.

9 Effective Date. This act shall take effect 60 days after its passage.

D

**HB 521 - AS INTRODUCED**

2005 SESSION

05-0379

10/04

**HOUSE BILL 521**

AN ACT relative to medical insurance coverage for members of the Manchester employees' contributory retirement system.

SPONSORS: Rep. Baroody, Hills 13

COMMITTEE: Executive Departments and Administration

**ANALYSIS**

This bill establishes a program for medical insurance coverage for members of the city of Manchester employees' retirement system. The provisions of the bill are subject to a referendum vote in the city of Manchester.

-----

-----

Explanation: Matter added to current law appears in *bold italics*.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

05-0379

10/04

**STATE OF NEW HAMPSHIRE**

*In the Year of Our Lord Two Thousand Five*

AN ACT relative to medical insurance coverage for members of the Manchester employees' contributory retirement system.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 New Section; Manchester Retirement System; Medical Insurance Coverage. Amend 1973, 218, as amended by 2002, 194, by inserting after section 27 the following new section:

218:28 Medical Insurance Coverage.

I. The plan shall establish a subtrust pursuant to Internal Revenue Code Section 401(h) for the purposes of funding a flat rate subsidy to assist in the payment of group health insurance premiums for members. The retirement system shall enact such rules and regulations as the board may deem necessary to implement this section.

II. Member contributions toward this subsidy shall be funded by an increase in the member contribution rate established pursuant to section 218:9, I by 1.25 percent. Under no circumstances shall a member be entitled to a refund of contributions made to the Section 401(h) subtrust. Notwithstanding any other provisions of chapter 218 to the contrary, members shall not be entitled to a refund of contributions made to the Section 401(h) subtrust. The city shall fund the remaining cost of funding the 401(h) subtrust based on methods and assumptions determined by the board. Any contribution made by the city intended to fund the 401(h) subtrust shall be so designated. Any transfers of retirement system assets to the 401(h) subtrust shall be limited to excess assets as defined in Internal Revenue Code Section 420(e)(2). All such transfers must be made in accordance with Internal Revenue Code Section 420 and all applicable Treasury regulations.

III. The benefits provided by the 401(h) subtrust will be payable only to members who have retired in accordance with sections 218:12, 218:14, or 218:15. The amount payable by the retirement system on account of qualified members shall be paid over to the city, insurer, or health care administrator as may be determined by contractual arrangements between the city and such entities. Benefits provided by the 401(h) subtrust shall cease at the death of the member.

IV. Eligibility shall be limited to single person coverage or single person Medicare supplement for the member to whom the benefit accrued and shall not apply to beneficiaries as defined by this act.

V. The value of the subsidy provided to a member shall depend upon the years of service credit earned by the member prior to retirement and the date on which the member retires. The initial base amount available to members retiring on or before the effective date of this section shall be \$1,200 per year. The initial base amount available to members who have terminated employment before the effective date of this section and retire after the effective date of this section shall be \$1,200 per year. The initial base amount available to members in the employment of the city at the effective date of this section and who contributed toward this benefit and retire after the effective date of this section shall be \$2,400 per year. The base amounts shall increase by 4 percent on January 1 of each year beginning on January 1, 2007. A member who retires with less than 10 years of service credit shall receive 25 percent of the initial base amount as has been

D

adjusted annually. A member who retires with at least 10 years of service credit but less than 15 years of service credit shall receive 50 percent of the initial base amount as has been adjusted annually. A member who retires with at least 15 years of service but less than 20 years of service credit shall receive 75 percent of the initial base amount as has been adjusted annually. A member who retires with at least 20 years of service credit shall receive 100 percent of the initial base amount as has been adjusted annually.

VI. Any subsidy made available pursuant to this plan shall be limited to members who participate in the city's group health insurance program. No benefit or subsidy shall be payable directly to a retired member, nor shall any cash equivalent or other form of subsidy be payable for purposes outside of group health coverage provided by the city to its retirees. Any member who has retired before the effective date of this section shall have the option of re-enrollment in the medical or health plan sponsored by the city and of receiving benefits under this section at such re-enrollment date, provided that such retired member shall apply to the city within 90 days of the effective date of this section. Any member who terminated employment before the effective date of this section and later retires and becomes eligible to receive benefits under this section shall have the option of re-enrolling in the medical or health plan sponsored by the city and of receiving benefits at such re-enrollment date, provided that such member shall apply to the city within 90 days of the member's retirement. Such re-enrollment rights to participate in the medical or health plan sponsored by the city shall be available for all members when they retire. Upon receipt of any enrollment application, the city shall enroll such retiree in the city's plan in the same manner and subject to the same conditions as enrollment of a new employee but without any benefit-waiting period which may be applicable to new employees. The 401(h) subtrust, the city and the city's group health plan shall not be liable for any claims incurred prior to the date of enrollment. The retirement system shall notify all retirees of their right to re-enroll in the city's health plan and to receive benefits at their re-enrollment date under this section. Any member who is eligible to receive a subsidy under the provisions of this section, but who does not need and who declines such benefits because they would be duplicative of coverage under any employer-sponsored plan, shall nevertheless continue to be eligible and, upon ceasing to be eligible for the other coverage, shall be permitted to re-enroll in the medical or health plan sponsored by the city without any waiting period and receive the benefits allowable under this section at such re-enrollment date.

VII. All contributions made by the members and by the city to provide medical benefits under this section shall be maintained in a separate account and all such funds shall not be used for or diverted to any purpose other than to provide medical benefits. Similarly, none of the funds accumulated to provide the retirement benefits set forth in chapter 218 may be used or diverted to provide medical benefits through the 401(h) subtrust. The funds, if any, providing medical benefits through the 401(h) subtrust shall be invested pursuant to the provisions of section 218:6. At all times, the aggregate contributions to provide medical benefits through the 401(h) subtrust must not exceed the subordination limits set forth in Internal Revenue Code Section 401(h) and any applicable Treasury regulations. Notwithstanding the foregoing, in the event of the termination of the 401(h)

D

subtrust, upon satisfaction of all liabilities to provide medical benefits, any amount remaining in the subtrust shall be returned to the city.

2 Referendum. At the election to be held in the city of Manchester in September or November, 2005, the city clerk then in office shall cause to be included on the ballot the following statement and question: "A contributory retirement plan for city employees was adopted by the voters of Manchester at the November 1973 election. The plan became effective in January 1974, and now, benefit improvements are requested. Are you in favor of the passage of an act of the General Court of 2005, amending the city of Manchester employees contributory retirement system to add a Section 401(h) subtrust for the payment of a health subsidy to retirees?" Beneath this statement and question shall be printed the word "Yes" and the word "No" with a square immediately opposite such word in which the voter may indicate his or her choice. If a majority of the voters present and voting on the question shall signify their approval thereof, this act shall be declared adopted effective 90 days after the date of the election, except as otherwise provided within the act. The city clerk shall, within 10 days after said election, certify to the secretary of state the result of the vote on the question.

3 Effective Date. Section 2 of this act, relative to the referendum, shall take effect upon its passage. If the provisions of section 1 of this act shall be adopted as provided in section 2, said provisions shall be declared adopted and shall become effective 90 days after the date of the election.

# City of Manchester New Hampshire

E+18

*In the year Two Thousand and Five*

## A RESOLUTION

"Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Two Hundred Twenty Five Dollars (\$10,225.00) for the 2005 CIP 810305 VISTA Coordinator Project."

Resolved by the Board of Mayor and Aldermen of the City of Manchester as follows:

WHEREAS, the Board of Mayor and Aldermen has approved the 2005 CIP as contained in the 2005 CIP budget; and

WHEREAS, Table 1 contains all sources of Federal, State, and Other funds to be used in the execution of projects; and

WHEREAS, the Board of Mayor and Aldermen wishes to accept funds representing a local match from Families In Transition for the services of one VISTA Member;

NOW, THEREFORE, be it resolved that the 2005 CIP be amended as follows:

**By increasing:**

FY2005 CIP 810305 – VISTA Coordinator Project - \$10,225 Other  
(from \$35,000 Federal to \$35,000 Federal & \$10,225 Other)

Resolved, that this Resolution shall take effect upon its passage.

E-18

# City of Manchester New Hampshire

*In the year Two Thousand and Five*

## A RESOLUTION

"Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Two Hundred Nineteen Thousand Eight Hundred Dollars (\$219,800) for the CIP 613205 Downtown & Economic Strategies Report."

Resolved by the Board of Mayor and Aldermen of the City of Manchester as follows:

WHEREAS, the Board of Mayor and Aldermen has approved the 2005 CIP as contained in the 2005 CIP budget; and

WHEREAS, Table 1 contains all sources of Federal, State, and Other funds and Table 2 contains all sources of Community Development Block Grant, Emergency Shelter Grant and Home funds to be used in the execution of projects; and

WHEREAS, the Board of Mayor and Aldermen wishes to accept and authorize funding for the completion of the Downtown and Economic Strategy Report using various Federal and Local available resources;

NOW, THEREFORE, be it resolved that the 2005 CIP be amended as follows:

**1) By adding:**

FY2005 613205 – Downtown & Economic Strategies Report – **\$219,800.00**  
(\$201,536.00 – Other & \$ 18,264.00 – CDBG)

**2) By decreasing:**

\$18,264 CDBG Unprogrammed Funds

Resolved, that this Resolution shall take effect upon its passage.

# City of Manchester New Hampshire

E-18

*In the year Two Thousand and Five*

## A RESOLUTION

“Amending the FY2005 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Forty Five Thousand Dollars (\$45,000) for the 2005 CIP 510305 Parks & Recreation Master Plan Project.”

Resolved by the Board of Mayor and Aldermen of the City of Manchester as follows:

WHEREAS, the Board of Mayor and Aldermen has approved the 2005 CIP as contained in the 2005 CIP budget; and

WHEREAS, Table 2 contains all sources of Community Development Block Grant, Emergency Shelter Grant and Home funds to be used in the execution of projects; and

WHEREAS, the Board of Mayor and Aldermen desires to provide additional funding in the amount of \$45,000 required for the completion of the Parks & Recreation Master Plan; and

WHEREAS, funds in at least that amount are available through existing Community Development Block Grant (CDBG) Unprogrammed Funds;

NOW, THEREFORE, be it resolved that the 2005 CIP be amended as follows:

**1) By increasing:**

FY2005 CIP 510305 – Parks & Recreation Master Plan Project - \$45,000 CDBG  
(from \$45,000 CDBG to \$90,000 CDBG)

**2) By decreasing**

\$45,000 - CDBG Unprogrammed Funds

Resolved, that this Resolution shall take effect upon its passage.

E-18

# City of Manchester New Hampshire

*In the year Two Thousand and Five*

## A RESOLUTION

"Amending the FY 2005 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Six Thousand Nine Hundred Twenty Three Dollars and Eight Cents (\$26,923.08) for FY2005 CIP 411605 2004 Homeland Security Grant Program."

Resolved by the Board of Mayor and Aldermen of the City of Manchester as follows:

WHEREAS, the Board of Mayor and Aldermen has approved the 2005 CIP as contained in the 2005 CIP budget; and

WHEREAS, Table 1 contains all sources of State, Federal and Other funds to be used in the execution of projects; and

WHEREAS, the Board of Mayor and Aldermen wishes to accept grant funds from the State of New Hampshire Department of Safety to equip a Homeland Security Special Operations Unit;

NOW, THEREFORE, be it resolved that the 2005 CIP be amended as follows:

**By adding:**

FY2005 411605 – 2004 Homeland Security Grant Program - \$26,923 State

Resolved, that this Resolution shall take effect upon its passage.

# City of Manchester New Hampshire

E-18

*In the year Two Thousand and Five*

## A RESOLUTION

"Amending the FY2003 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Hundred Fifty Thousand Dollars (\$150,000) for the 2003 CIP 712103 S. Mammoth Sewer – Phase 3 Project."

Resolved by the Board of Mayor and Aldermen of the City of Manchester as follows:

WHEREAS, the Board of Mayor and Aldermen has approved the 2003 CIP as contained in the 2003 CIP budget; and

WHEREAS, Table 5 contains all sources of Enterprises, Fees and Other Sources of funds to be used in the execution of projects; and

WHEREAS, the Board of Mayor and Aldermen desires to provide additional funding required for the South Mammoth Sewer – Phase 3 Plan estimated at \$150,000; and

WHEREAS, funds originally allocated for the new sewer line on Candia Road in at least that amount have been determined to be not required;

NOW, THEREFORE, be it resolved that the 2003 CIP be amended as follows:

**By increasing:**

FY2003 CIP 712103 – S. Mammoth Sewer – Phase 3 Project - \$150,000 Enterprise  
(from \$1,193,364.02 Enterprise to \$1,343,364.02 Enterprise)

**By decreasing:**

FY2003 CIP 711603 – Candia Road Sewer Project - \$150,000 Enterprise  
(from \$1,600,000 Enterprise to \$1,450,000)

Resolved, that this Resolution shall take effect upon its passage.

E + 18

# City of Manchester New Hampshire

*In the year Two Thousand and Five*

## A RESOLUTION

"Amending the FY 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Fifty Thousand Dollars (\$50,000) for the FY2001 CIP 840001 MCTV-PEG Access Grant Project."

Resolved by the Board of Mayor and Aldermen of the City of Manchester as follows:

WHEREAS, the Board of Mayor and Aldermen has approved the 2001 CIP as contained in the 2001 CIP budget; and

WHEREAS, Table 1 contains all sources of State, Federal and Other funds to be used in the execution of projects; and

WHEREAS, the Board of Mayor and Aldermen wishes to accept funds from Comcast in the amount of \$50,000 for PEG Access/Telecommunications;

NOW, THEREFORE, be it resolved that the 2001 CIP be amended as follows:

**By increasing:**

FY2001 840001 – MCTV – PEG Access Grant - \$50,000 Other  
(from \$1,155,917.81 Other to \$1,205,917.81 Other)

Resolved, that this Resolution shall take effect upon its passage.

# City of Manchester New Hampshire

E-18

*In the year Two Thousand and Five*

## A RESOLUTION

"Amending the FY2001 Community Improvement Program, authorizing and appropriating funds in the amount of Two Million Dollars (\$2,000,000) for CIP 730201 MAA - Property Acquisition Project."

Resolved by the Board of Mayor and Aldermen of the City of Manchester as follows:

WHEREAS, the Board of Mayor and Aldermen has approved the 2001 CIP as contained in the 2001 CIP budget; and

WHEREAS, Table 1 contains all sources of Federal, State, and Other funds to be used in the execution of projects; and

WHEREAS, the Board of Mayor and Aldermen wishes to approve additional funding in the amount of \$2,000,000 for new property acquisitions;

NOW, THEREFORE, be it resolved that the 2001 CIP be amended as follows:

By increasing:

FY2001 730201 – MAA Property Acquisition Project – \$2,000,000 - Other  
from \$5,250,000 (3,250,000 Enterprise & \$2,000,000 Other) to \$7,250,000 (\$3,250,000 Enterprise & \$4,000,000 Other)


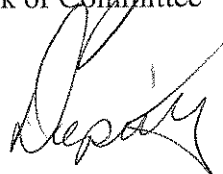
Resolved, that this Resolution shall take effect upon its passage.

F

**To the Board of Mayor and Aldermen of the City of Manchester:**

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that the Board authorize acceptance and expenditure of funds in the amount of \$2,000,000 for CIP 730201 Property Acquisition Project, and for such purpose a resolution and budget authorization has been submitted.

Respectfully submitted,



  
Clerk of Committee  


G

**To the Board of Mayor and Aldermen of the City of Manchester:**

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that the Board authorize acceptance and expenditure of funds in the amount of \$50,000 for FY2001 CIP 840001 MCTV-PEG Access Grant Project, and for such purpose a resolution and budget authorization has been submitted.

Respectfully submitted,

  
Clerk of Committee  


H

**To the Board of Mayor and Aldermen of the City of Manchester:**

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that the Board authorize transfer and expenditure of funds in the amount of \$150,000 for FY2003 CIP 712103 South Mammoth Sewer – Phase 3 Project, and for such purpose a resolution and budget authorizations have been submitted.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Carol Johnson".

Clerk of Committee



A second handwritten signature in cursive script, located below the first signature.

I

**To the Board of Mayor and Aldermen of the City of Manchester:**

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that the Board authorize acceptance and expenditure of funds in the amount of \$26,923.08 for FY2005 CIP 411605 2004 Homeland Security Grant Program, and for such purpose a resolution and budget authorization has been submitted.

Respectfully submitted,


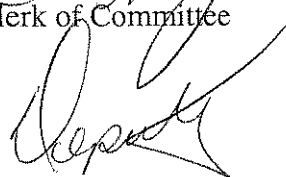
  
Clerk of Committee  


7

**To the Board of Mayor and Aldermen of the City of Manchester:**

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that the Board authorize transfer and expenditure of funds in the amount of \$45,000 for 2005 CIP 510305 Parks & Recreation Master Plan Project, and for such purpose a resolution and budget authorization has been submitted.

Respectfully submitted,

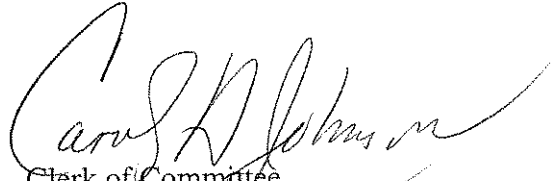

  
Clerk of Committee  


K

**To the Board of Mayor and Aldermen of the City of Manchester:**

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that the Board authorize acceptance and expenditure of funds in the amount of \$219,800 for CIP 613205 Downtown & Economic Strategies Report, and for such purpose a resolution and budget authorization has been submitted.

Respectfully submitted,



  
Clerk of Committee  


L

**To the Board of Mayor and Aldermen of the City of Manchester:**

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that the Board authorize acceptance and expenditure of funds in the amount of \$10,225 for the FY2005 CIP 810305 VISTA Coordinator Project, and for such purpose a resolution and budget authorization has been submitted.

Respectfully submitted,

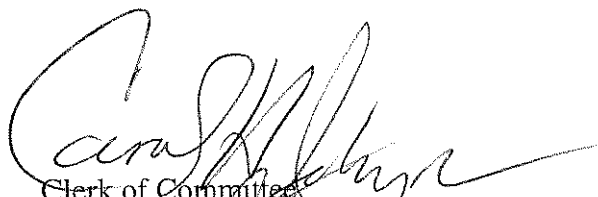
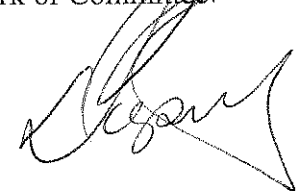
  
Clerk of Committee  


m

**To the Board of Mayor and Aldermen of the City of Manchester:**

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that CIP 411904 Project Safe Neighborhoods-Revision #1 and CIP 412004 Speed Enforcement-Revision #2 be extended from December 31, 2004 to June 30, 2005.

Respectfully submitted,

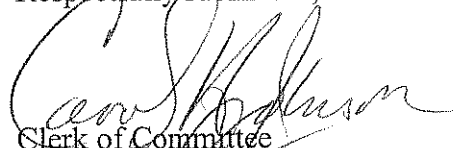
  
Clerk of Committee  


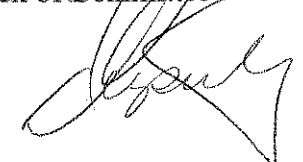
N

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Community Improvement respectfully advises, after due and careful consideration, that it has approved a request from the Airport Director to expend \$5,400 to purchase a used 1996 tractor to replace a 1979 International tractor that is used to relocate the airport's portable snowmelters

Respectfully submitted,

  
Clerk of Committee

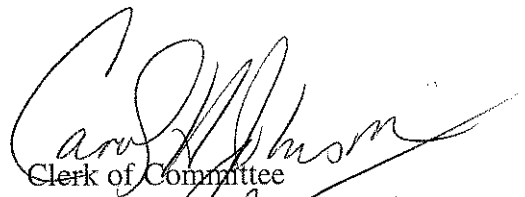



0

**To the Board of Mayor and Aldermen of the City of Manchester:**

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that a request for a sewer abatement for property located at 33 High Ridge Road be granted and approved in the amount of \$337.90, as recommended by the Environmental Protection Division.

Respectfully submitted,

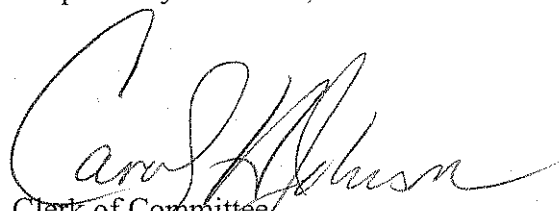
  
Clerk of Committee  


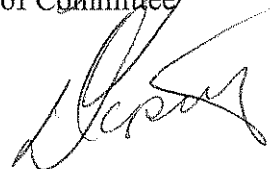
P

**To the Board of Mayor and Aldermen of the City of Manchester:**

The Committee on Traffic/Public Safety respectfully recommends, after due and careful consideration, that parking along Line Drive be limited to two hours by signage, and that handicapped parking will be limited to two permanent spaces with the ability of the Fisher Cats to place additional temporary handicapped parking signs out during games under the supervision of Police and Traffic Departments.

Respectfully submitted,

  
Clerk of Committee




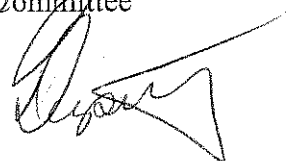
Q

**To the Board of Mayor and Aldermen of the City of Manchester:**

The Committee on Traffic/Public Safety respectfully recommends, after due and careful consideration, that the Board approve a five-year agreement between the City of Manchester and Cameron Real Estate, Inc. for leasing parking spaces in the Victory Parking Garage as enclosed herein, and that the Mayor be authorized to execute same subject to the review and approval of the City Solicitor..

Respectfully submitted,

  
Clerk of Committee





**City of Manchester  
Office of the City Solicitor**

One City Hall Plaza  
Manchester, New Hampshire 03101  
(603) 624-6523 Fax (603) 624-6528  
TTY: 1-800-735-2964  
Email: [solicitor@ci.manchester.nh.us](mailto:solicitor@ci.manchester.nh.us)

Thomas R. Clark  
City Solicitor

Thomas I. Arnold, III  
Deputy City Solicitor

Daniel D. Muller, Jr.  
Kenneth R. Bernard  
Michele A. Battaglia  
Marc van Zanten

February 9, 2005

Leo Bernier, Clerk  
One City Hall Plaza  
Manchester, New Hampshire 03101

**RE: Committee on Traffic/Cameron Real Estate/889 Elm Street/Victory Garage**

Dear Leo:

In accordance with the motion passed at yesterday's meeting of the Committee on Traffic I have modified the proposed agreement between the City and Cameron Real Estate for parking spaces at the Victory Garage for tenants of 889 Elm Street.

I am providing the proposed agreement to you as the Committee on Traffic wanted the proposed agreement to go to the Board of Mayor and Aldermen at its next meeting.

Very truly yours,

Thomas I. Arnold, III  
Deputy City Solicitor

TIA/hms

enclosure

Q

## AGREEMENT FOR PARKING SPACES

Agreement for parking spaces made this day \_\_\_\_ of February, 2005 by and between the City of Manchester, New Hampshire (hereinafter "City") a body corporate and politic, with a primary address on One City Hall Plaza, Manchester, New Hampshire and Cameron Real Estate, Inc. (hereinafter "Cameron"), a Massachusetts corporation with an address of 400 Amherst Street, Ste. 202, Nashua, New Hampshire 03063.

1. Term. The term of this agreement is five (5) years commencing on January 21, 2005 and ending on January 20, 2010. Cameron shall have the option to extend this agreement for two (2) additional five (5) year terms upon written notice to the City given prior to the end of the then current term.

2. Parking Spaces. During the term of this agreement the City will give Cameron first priority (as hereinafter defined) to lease on a monthly basis up to seventy (70) parking spaces in the Victory Parking Garage (hereinafter "Victory Garage") located at 25 Vine Street, Manchester, New Hampshire. All parking spaces leased at the Victory Garage by Cameron at the inception of this agreement shall be counted against its allotment of said 70 spaces. For purposes of this agreement "first priority" shall mean that any request for monthly parking spaces by Cameron (not to exceed a total of 70 spaces as provided herein) shall be granted prior to the granting of any other request by any other party (except for those with an agreement giving him/her or it priority, which agreement is prior in time to this agreement, including but not limited to Metropolis Property Management Group, Inc.) for new, as opposed to continuing monthly leased parking spaces in the Victory Garage; however, any parking spaces leased by tenants of 889 Elm Street independently (i.e. not specifically requested or authorized by Cameron pursuant to this agreement) at the Victory Garage shall not be included in said allotment of seventy (70) parking spaces. The parking spaces will be used exclusively for parking for tenants of the building located at 889 Elm Street, Manchester, New Hampshire. The spaces shall be used solely for the parking of motor vehicles and in accordance with parking and garage rules and regulations. Cameron's first priority is specifically subject to parking spaces being available for lease in the Victory Garage at the time Cameron makes a request for parking spaces. If there are not sufficient available parking spaces to meet Cameron's request then parking spaces shall be leased to Cameron, as they become available. Spaces already under lease to parties other than Cameron and spaces reserved for transient public parking within the garage, at the time that Cameron makes a request, shall not be considered as available. Any request that Cameron makes for first priority spaces pursuant to this agreement shall be made in writing.

3. Payment. Cameron or the tenant or person using the parking space shall pay the rate set forth in Manchester City Ordinance §70.57 A(2) or (3), as it may be amended or recodified from time to time, for each of the parking spaces Cameron leases pursuant paragraph 2 of this agreement. Payment by Cameron or the tenant or person using the parking space shall

Q  
be made for the month, in advance, on or before the first day of each month. Failure of Cameron or the tenant or person using the parking space to make timely payment for the space as set forth in this section shall terminate Cameron's lease of said parking space; however, Cameron may make a first priority request for a parking space to replace the terminated parking space subject to the provisions and restrictions set forth in paragraph 2 of this agreement.

4. Termination/Assignment. In the event of the partial or total destruction of the Victory Garage rendering the facility, or a portion thereof substantially unusable for parking or in the event of its sale to a third party, this Agreement for Parking Spaces may be terminated on ninety (90) days written notice to Cameron. Cameron may not assign, or otherwise transfer any rights under this agreement without the written consent of the City.

5. Notice. A notice under this agreement shall be sufficiently given or delivered, in hand, or by certified mail:

A) In the case of notice to the City to:  
Director  
Traffic Department  
480 Hayward Street  
Manchester, New Hampshire 03103

B) In the case of notice to Cameron to:  
Eliot W. Denault, III  
Cameron Real Estate, Inc.  
400 Amherst St., Ste 202  
Nashua, New Hampshire 03063

or to such other address as a party to this agreement may, from time to time, designate in writing and forward to the other party as provided in this section.

6. Binding Effect. This Agreement for Parking Spaces shall insure to the benefit and be binding upon the parties hereto and their respective successors and assigns.

7. Authority. Each person signing this Agreement for Parking Spaces certifies and represents that he is duly authorized and empowered to execute this agreement on behalf of this party for whom he signs, and that upon execution this agreement shall constitute a legal and binding obligation of the party for whom he signs.

Q

IN WITNESS WHEREOF; the parties have caused their authorized representatives to sign this Agreement for Parking Spaces on the date first hereinabove written.

The City of Manchester

\_\_\_\_\_  
Robert A. Baines  
Mayor

Cameron Real Estate, Inc.

\_\_\_\_\_  
Eliot W. Denault, III  
President

12

## To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Traffic/Public Safety respectfully recommends, after due and careful consideration, that the following regulations governing standing, stopping, and parking and operation of vehicles, be adopted pursuant to Chapter 70 of the Code of Ordinances of the City of Manchester and put into effect when duly advertised and the districts affected thereby duly posted as required by the provisions of that chapter and chapter 335 of the Sessions Laws of 1951.

### **Section 70.36 Stopping, Standing, or Parking Prohibited**

#### **NO PARKING:**

On Summer Street, north and south sides, from Elm Street to Willow Street

On Green Street, north and south sides, from Elm Street to Willow Street

On Grove Street, north and south sides, from Elm Street to Willow Street

On W. Auburn Street, south side, from Driveway of Rockwell Automation  
Company to a point 75 feet west

(Removal of Meters #119CC and #120CC)

On Beacon Street, west side, from a point 100 feet north of Concord Street to a point 50 feet north (Emergency Act)

On Belmont Street, west side, from Green Street to a point 70 feet south

On Wellington Road, south side, from Foxwood Circle to Wellington Road

On Frederick Street, north side, from Hale Street to a point 55 feet west

#### **NO PARKING – NOVEMBER 15 TO APRIL 15 (EMERGENCY ACT):**

On Orange Street, south side, from Union Street to Chestnut Street

On Pearl Street, south side, from Chestnut Street to Union Street



#### **NO PARKING (LOADING ZONE):**

On Pine Street, east side, from a point 80 feet north of Grove Street to a point 25 feet north

**REPEALING PROVISIONS**

That all rules and regulations now in effect in accordance with the provisions of an Ordinance "Chapter 70 Motor Vehicles and Traffic" as adopted August 6, 2002, with subsequent amendments thereto and inconsistent with the traffic rules and regulations herein adopted be repealed.

Respectfully submitted,

  
Clerk of Committee  


2


**To the Board of Mayor and Aldermen of the City of Manchester:**


The Committee on Traffic/Public Safety respectfully advises, after due and careful consideration, that it has approved Ordinance:

“Amending Chapter 71: Snow Emergency Regulations, Sections 71.03 and 71.99 of the Code of Ordinances of the City of Manchester increasing the penalties for violation of snow emergency winter parking.”

and recommends same be referred to the Committee on Bills on Second Reading for technical review.

Respectfully submitted,

  
Carol Johnson  
Clerk of Committee



S

# City of Manchester New Hampshire

*In the year Two Thousand and Five*

## AN ORDINANCE

"Amending Chapter 71: Snow Emergency Regulations, Sections 71.03 and 71.99 of the Code of Ordinances of the City of Manchester increasing the penalties for violation of snow emergency winter parking."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

I. Amend the Code of Ordinance by inserting new language in Section 71.03 Winter Parking and Section 71.99 Penalty as bolded (*italics*). Portions of the following section that remain unchanged appear in regular type.

### **71.03 WINTER PARKING.**

It shall be unlawful for any person having custody or control of any vehicle to park or cause to be parked on any public street or highway hereinafter defined as a "snow emergency route" between the hours of 7:00 a.m. and 11:00 p.m., between the period of November 15 and May 15 in each succeeding year. *Violation of this section shall be as defined in Section 71.99 Penalty.*

### **71.99 PENALTY.**

(A) Each such owner or operator of a vehicle who violates any provision of this chapter or Chapter 73, Parking Schedules, may, within seven days of the time when such notice was attached to such vehicle pay to the Parking Violations Bureau in person or by mail, for and in full satisfaction of such violation, the sum of \$25, *except that the fine for violation of Section 71.03 Winter Parking shall be \$75.*


(B) Failure to make such payment within seven days following a violation shall result in a minimum fine of \$50, *except for violation of Section 71.03 Winter Parking, which shall result in a minimum fine of \$150*, and may subject the owner or operator of the motor vehicle to an appearance in district court and a fine of not more than \$1,000 upon conviction thereof.

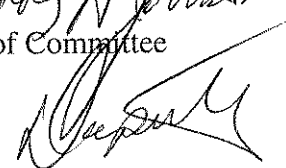
II. This Ordinance shall take effect upon its passage.

**To the Board of Mayor and Aldermen of the City of Manchester:**

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that Gill Stadium be taken out of the Enterprise system in fiscal year 2006.

Respectfully submitted,

  
Clerk of Committee



12+13

**To the Board of Mayor and Aldermen of the City of Manchester:**


The Committee on Traffic/Public Safety respectfully recommends, after due and careful consideration, that Ordinance:


“Amending Section 70.55 Residential Permit Parking, of the Code of Ordinances of the City of Manchester by adding a Residential Parking Permit Zone #5.”

be approved.

The Committee further recommends that the rules be suspended and that the Ordinance be adopted February 15, 2005.

Respectfully submitted,

  
Clerk of Committee



12+13

# City of Manchester New Hampshire

*In the year Two Thousand and Five*

## AN ORDINANCE

"Amending Section 70.55 Residential Permit Parking, of the Code of Ordinances of the City of Manchester by adding a Residential Parking Permit Zone #5."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

I. Amending Section 70.55, Residential Permit Parking of the Code of Ordinances by adding a Section 70.55 (D)(5) as follows:

(D) Residential Parking Permit Zones. The following areas are hereby designated as the Residential Parking Permit Zones:

(5) Residential Parking Permit Zone #5. Area described as follows: Bay Street, east side, from Webster to North Street.

II. This Ordinance shall take effect upon its passage and when duly posted.



Manchester Airport  
One Airport Road  
Suite 300  
Manchester, NH  
03103-3395  
Tel: 603-624-6539  
Fax: 603-666-4101  
<http://www.flymanchester.com>

Kevin A. Dillon  
Airport Director

February 10, 2005

The City of Manchester  
Board of Mayor & Aldermen  
One City Hall Plaza  
Manchester, NH 03101

Re: Manchester Airport Line of Credit

To The Honorable Board:

I am requesting to discuss with the Board of Mayor and Alderman the need to seek and establish a \$10,000,000 revolving line of credit for Airport use.

The need for this revolving line of credit is based upon various opportunities that present themselves to the Airport from time to time, which do not justify a bonding process, nor do they reach the funding threshold for which bonding would be necessary. The need for the line of credit is solely for cash flow purposes at the Airport.

Although the Airport has a healthy positive bank balance, we would prefer not to use our own cash for these opportunities, as the Airport has an ongoing Capital Improvement Program that it finances with its own available cash. Additionally, we seek to maintain an adequate cushion of funds over and above our required cash reserves.

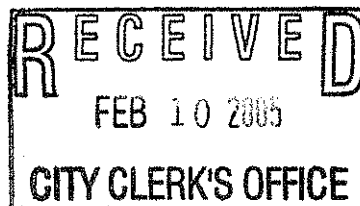
If a line of credit were established, the Airport would, as always, maintain compliance with all bond resolution covenants and compliance issues.

I will be available to discuss this matter with you at the next Board Meeting scheduled for February 15, 2005. I thank you for your consideration of this matter.

Sincerely,

Kevin A. Dillon, A.A.E.  
Airport Director

cc: Kevin Clougherty



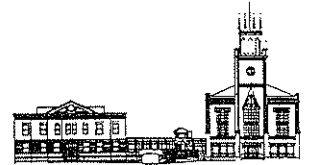


Robert S. MacKenzie, AICP  
Director

# CITY OF MANCHESTER

## Planning and Community Development

Planning  
Community Improvement Program  
Growth Management



Staff to:  
Planning Board  
Heritage Commission  
Millyard Design Review Committee

February 8, 2005

Honorable Board of Mayor and Aldermen  
City Hall  
One City Hall Plaza  
Manchester, New Hampshire 03101

*re: Important changes in Federal Funding to the City of Manchester*

Honorable Board Members:

As you may have heard, there are very significant changes proposed in the President's budget proposal to Congress. It is likely that these changes, if implemented, could have a major impact on Manchester's ability to provide a variety of services to the residents. The number of programs impacted runs from HUD CBDG funds to education funds. It is possible that a couple of programs could increase – such as Homeland Security – although it is not presently known whether these fund increases will trickle down to cities.


It is likely that CBDG funds will be hard hit. Currently the City receives \$2,100,000 in Community Development Block Grant funds. These have been used by the City to rebuild streets and sidewalks; build new parks and upgrade others, provide funds for homeless families, rebuild school sites, support non-profit programs which assist the elderly, youth and low income families of the City, assist in economic development projects and a variety of other community development programs. There are indications that the City could lose over \$1,000,000 in funds each year in just this one program alone.

Education funding could be an even harder hit although it is difficult to determine at this time. Section 108 funds through HUD would be affected. This program has been successfully used to help the redevelopment of the Chase Block, Bond Building, Dunlap Building, McQuades Building and Manchester Place. Development funds from the Economic Development Administration could be impacted. Affordable housing funds could be reduced, directly impact on hundreds of residents currently living in the City. A number of other programs could also be affected.

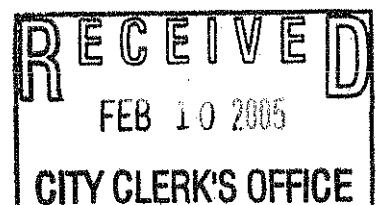
In short, these dramatic reductions in funds to the City could have a major impact on the continuation of community development and education initiatives that has led to Manchester's rebirth. While it is too early to definitively determine the impact, I felt significant enough to notify the Board should you wish to take any position on these changes.

If you have any questions, I will be available at your next meeting.

Sincerely,

  
Robert S. MacKenzie, AICP

Director of Planning & Community Development  
One City Hall Plaza, Manchester, New Hampshire 03101  
Phone: (603) 624-6450 FAX: (603) 624-6529  
E-mail: [planning@ci.manchester.nh.us](mailto:planning@ci.manchester.nh.us)  
[www.ci.manchester.nh.us](http://www.ci.manchester.nh.us)



15



# THE UNITED STATES CONFERENCE OF MAYORS

1620 EYE STREET, NORTHWEST  
WASHINGTON, D.C. 20006  
TELEPHONE (202) 293-7330  
FAX (202) 293-2352  
URL: www.usmayors.org

FYI  
OAB  
2.9.05

**President**  
DONALD L. PLUSQUELLIC  
Mayor of Akron

**Vice President**  
HEVERLY O'NEILL  
Mayor of Long Beach

**Past President**  
JERRY ABRAMSON  
Mayor of Louisville Metro

**Mayor of Chicago**  
RICHARD M. DALEY

**Mayor of Cincinnati**  
JAMES A. GARNER

**Mayor of Minneapolis**  
THOMAS M. HAHN

**Mayor of Boston**  
JOSEPH P. RILEY, JR.

**Mayor of Charleston, SC**  
MANUEL A. DIAZ

**Mayor of Miami**  
ELIZABETH G. FLORES

**Mayor of Tampa**  
PATRICK HENRY HAYS

**Mayor of North Little Rock**  
SHARPE JAMES

**Mayor of Newark, NJ**  
WILLIAM A. JOHNSON, JR.

**Mayor of Rochester, NY**  
SCOTT L. KING

**Mayor of Gary**  
DANNEL P. MALLOY

**Mayor of Stamford**  
ARLENE J. MULDER

**Mayor of Arlington Heights**  
RITA L. MULLINS

**Mayor of Fairfax**  
MEYRA E. OBERNDORF

**Mayor of Virginia Beach**  
DOUGLAS H. PALMER

**Mayor of Tennessee**  
BILLY PURCELL

**Mayor of Nashville**  
DAVID W. SMITH

**Mayor of Newark, CA**  
GREG SPARROW

**Mayor of Dallas**  
MICHAELA C. LIDO, Chair

**Mayor of Dearborn**  
IRMA L. ANDERSON

**Mayor of Richmond, CA**  
ALAN AUTRY

**Mayor of Fresno**  
KAY BARNES

**Mayor of Kansas City, MO**  
J. CHRISTIAN BOLLWAGE

**Mayor of Elizabeth**  
JAMES BRANNARD

**Mayor of Carmel, IN**  
JANE CAMPBELL

**Mayor of Cleveland**  
MARTIN J. CHAYEZ

**Mayor of Albuquerque**  
DAVID N. CICILLINE

**Mayor of Trenton**  
PETER A. CLAVELLE

**Mayor of Burlington**  
SHIRLEY FRANKLIN

**Mayor of Atlanta**  
OSCAR B. GOODMAN

**Mayor of Las Vegas**  
HARVEY JOHNSON

**Mayor of Jackson, MS**  
ELIZABETH B. KAUFZ

**Mayor of Louisville**  
KWAME M. KILPATRICK

**Mayor of Detroit**  
EVELYN LORD

**Mayor of Beaumont**  
RAY MARTINEZ

**Mayor of Fort Collins**  
PATRICK MCCORMY

**Mayor of Charlotte**  
LAURA MILLER

**Mayor of Dallas**  
GREG NICKEL

**Mayor of Seattle**  
MARTIN O'MALLEY

**Mayor of Baltimore**  
BART PETERSON

**Mayor of Indianapolis**  
JORGIE A. SANTINI

**Mayor of San Juan**  
DOUGLAS P. SCOTT

**Mayor of Rockford**  
JOHN F. STREET

**Mayor of Philadelphia**  
CHARLES F. TOOLEY

**Mayor of Billings**  
JUDITH VALLES

**Mayor of San Bernardino**  
DAVID C. WALLACE

**Mayor of Sugar Land**  
BOB YOUNG

**Mayor of Augusta, GA**  
SHELIA YOUNG

**Mayor of San Leandro**  
TOM COCHRAN

TO: The Mayor

FROM: Tom Cochran  
Executive Director

DATE: February 8, 2005

SUBJECT: Staff Analysis of the President's Fiscal Year 2006 Budget Request

Yesterday President Bush submitted his budget request to Congress for FY 2006. The proposal calls for the elimination of key city priorities including Community Development Block Grants, COPS and Law Enforcement Block Grants, and AMTRAK. These programs provide vital services to local communities across the nation. The budget also calls for cuts in Homeland Security First Responder programs, which will shift more of the cost of defending the nation's homeland to local governments. And, it calls for drastic cuts in the Medicaid program, which will reduce health care assistance to the nation's poor and again shift the burden to state and local governments.

On a positive note, the proposal calls for increased funding for TEA-21 reauthorization over six years, and for Community Health Centers. The following is the Conference Mayors staff executive summary of key city priorities in the proposed budget, followed by a more detail analysis of city programs. The analysis discusses the changes called for in FY 2006 compared to final FY 2005 funding. Conference of Mayors staff contact information is provided under each program area if you have questions.

## CDBG Coalition Launched

Today, we launch our national coalition effort to save CDBG with a press conference led by our President Akron Mayor Don Plusquellic. We were joined in this effort by the National League of Cities, National Association of Counties, business organizations, and housing and community development organizations. I will provide you soon with a more detailed analysis of this event, our key messaging points, and our lobbying and public relations strategy for the coming days. The U.S. Conference of Mayors is totally committed to saving CDBG and securing full funding for the program. We will need your active participation.

**U.S. Conference of Mayors  
Staff Executive Summary of  
Key City Priorities in the President's FY 2006 Budget**

**ELIMINATION**

- Community Development Block Grants – would be eliminated in FY 2006. The program is currently funded at \$4.7 billion and provides grants to cities through the Department of Housing and Urban Development. Under the proposed budget, a reduced level of CDBG funds would be transferred to the Department of Commerce along with 17 other programs. A total of \$3.7 billion would be available to set up a new economic development initiative to assist economically distressed communities and regions in 2006.
- Local Law Enforcement – COPS hiring and Interoperability funding (currently funded at \$110 million) and the entire Justice Assistance Grant program (funded at \$624 million) would be eliminated.
- Amtrak – would eliminate federal subsidies for Amtrak leading to a shut down of operations in October 2005. It also calls for \$360 million to maintain existing commuter services if Amtrak ceases operating.

**CUTS**

- Homeland Security First Responder Program – would reduce homeland security first responder assistance by \$360 million and increase the burden on local governments to pay for this vital service.
- Medicaid – would cut Medicaid payments by \$45 billion and shift enormous responsibility for healthcare of the nation's poor to state and local governments.

**INCREASES**

- TEA-21 Reauthorization Funding – would increase surface transportation programs by \$28 billion in FY 2006, which reflects a reported agreement between the Administration and the House to fund the program at \$284 billion over a six-year period.
- Community Health Centers – would increase funding for community health centers by \$304 million for a total of \$2.038 billion in FY 2006.

15

## **United States Conference of Mayors Staff Analysis of the President's FY 2006 Budget**

### **ARTS AND RECREATION (Staff Contact: Tom McClimon)**

**Arts, Humanities and Museums** – The National Endowments for the Arts and Humanities would retain the same level of funding as in the current fiscal year. The National Endowment for the Arts would be funded at \$121 million and the National Endowment for the Humanities at \$138 million. Grants for museums at the Institute of Museum and Library Services would remain slightly above the current year at \$36 million.

**Parks** – The Administration is proposing no funding for the state assistance program of the Land and Water Conservation Fund and the Urban Parks and Recreation Recovery Program. In the current fiscal year, the state assistance program of LWCF received \$90 million.

**Travel and Tourism** – The Administration is proposing no additional funding for the promotion of an international destination marketing campaign to attract foreign visitors to the United States. Congress appropriated \$10 million for such an effort in the current fiscal year budget.

### **COMMUNITY DEVELOPMENT AND HOUSING (Staff Contact: Eugene Lowe)**

**Community Development Block Grant (CDBG)** – Funded at \$4.7 billion in FY 2005, CDBG would be eliminated in FY 2006. A reduced level of CDBG funds would be transferred to the Commerce Department along with funds from 17 other programs and consolidated into the Strengthening America's Communities Grant Program. Targeted to "economically distressed communities and regions", the program would be funded at \$3.7 billion. The program would also provide bonus funding to communities which have been successful in "attracting businesses... improving schools, reducing regulatory barriers to business creation and housing development, and reducing violent crime rates."

**Brownsfields Redevelopment, Section 108 Loan Guarantees, and Urban Empowerment Zones** – These programs would be transferred to the Commerce Department and consolidated into the Strengthening America's Communities Grant Program. During the HUD budget briefing it was said that it is yet to be determined how these programs will be implemented in the new economic development initiative.

**HOPE VI** – The Administration proposes the termination of this program, and rescinds the \$143 million appropriated to the program in FY 2005. The program provides assistance for the revitalization of severely distressed public housing.

15  
**HOPWA** – Funds for Housing Opportunities for Persons with AIDS (HOPWA) would be cut from last year's level of \$282 million to \$268 million in FY 2006. During the HUD budget briefing it was said that an even larger cut had been considered for the program.

**Homeownership Initiatives** – The Administration proposes several homeownership programs which are designed to help reach the goal of creating 5.5 million minority homeowners by the end of this decade. Some of these programs include:

- **The American Dream Downpayment Initiative (ADDI)** would be funded at \$200 million in 2006 to help first-time homebuyers achieve homeownership.
- **The Zero Downpayment Option** would be offered by the Federal Housing Administration (FHA) to assist first-time homebuyers.
- **A Single-Family Affordable Housing Tax Credit** would help stimulate the production of affordable homes in distressed communities.

**Homeless Assistance Grants** – With its commitment to eliminate chronic homelessness in 10 years, the Administration proposes to increase homeless assistance from last year's funding of \$1.240 billion to \$1.440 billion in FY06. During the HUD budget briefing homeless advocates, while appreciative of the increase for homeless programs, expressed concern about the elimination of the Community Development Block Grant program which they said help provide housing for the homeless. The Administration also provides \$25 million for returning ex-offenders.

**The Housing Choice Voucher Program** – Funding is increased for tenant based Section 8 from \$14.766 billion (last year's level) to \$15.845 billion in FY 2006. The Administration would expand the "dollar-based" approach adopted in the FY 2005 Consolidated Appropriations Act to allow public housing authorities to have more flexibility to address local needs.

**The Home Investment Partnerships Program** – This program would be increased from \$1.900 billion to \$1.941 billion.

**The Section 202 Elderly Housing Program, and the Section 811 Disability Housing Program** – While Section 202 would be level funded at \$741 million, the handicapped or disability program would be cut from last year's funding of \$238 million to \$119 million.

## **HEALTH AND HUMAN SERVICES (Staff Contact: Crystal Swann)**

**HIV/AIDS Programs** – The Administration's budget request includes \$2 billion for the Ryan White CARE Act programs which includes a \$10 million increase for the AIDS Drug Assistance Program. ADAP supports the purchase of medications for persons living with HIV/AIDS. The Centers for Disease Control budget request for HIV/AIDS, STDs, and TB prevention programs is \$956 million for FY 2006, a decrease of \$4 million from FY 2005 levels.

15

**Chronic Disease Prevention / Steps to a Healthier US Initiative** – The FY 2006 budget includes \$840 million for Chronic Disease Prevention and Health Promotion—a decrease of \$59 million over FY 2005.

**Head Start** – The FY 2006 budget includes \$6.8 billion for Head Start, an increase of \$45 million over FY 2005. Included in that is a set-aside for a state grant program funded at \$45 million.

**Drug Treatment** – The President has requested \$1.7 billion for the Substance Abuse Partnership Block Grant and \$447 million for substance abuse treatment activities.

**Low-Income Home Energy Assistance Program (LIHEAP)** – This program would be funded at \$2.0 billion, a decrease of \$182 million from FY 2005 funding levels.

**Bioterrorism** – The budget proposes a reduction of approximately \$130 million in state and local capacity funding in bioterrorism. Bioterrorism funding for state and local capacity funding is \$797 million for FY 06.

## **HOMELAND SECURITY AND PUBLIC SAFETY (Staff Contact: Ed Somers)**

### **HOMELAND SECURITY**

**First Responder Program** – Overall funding for key first responder programs would be cut by \$360 million, from \$3.720 billion in FY 2005 to \$3.360 billion in FY 2006. There would also be a number of structural and formula changes. The proposal would change the funding formula used for allocating money to the states away from one based on population, to a formula based on a number of factors including risks, threats, vulnerabilities, and unmet first responder capabilities as determined by the DHS Secretary. The minimum amount a state can receive would also be lowered from 0.75 percent to 0.25 percent. In addition, port security, rail/transit security, and bus grants would be rolled-up into a new discretionary “Targeted Infrastructure Protection” program to be controlled by the Secretary.

There is no major shift in the allocation of funding through the states, with the block grant funding, high-threat funding, and infrastructure funding all still being sent through the states. As in FY 2005, the states would be required to sub-allocate 80 percent of this funding to local areas within 60 days of receipt. The budget does allow the state block grant and high threat funding to be used for operational costs including overtime. Also, DHS made clear that the exemption to the Cash Management Act provided in FY 2005 would not be continued in FY 2006. This means that cities would once again be required to advance-fund homeland security activities unless they can spend funding within 3-5 days of receipt.

15  
**Coast Guard** (Staff Contact: Ron Thaniel) – The President's FY 2006 budget includes \$6.9 billion for the Coast Guard, an 11.4 percent increase over the FY 2005 budget. Included in this amount is \$1.9 billion for the Coast Guard's Port, Waterways, and Coastal Security mission. This will fund a variety of high-priority Coast Guard initiatives like armed, high-speed boats in ports with liquefied natural gas terminals, further implementation of the Automatic Identification System to track sea-going vessels and enhance Maritime Domain Awareness, and new weapons systems for the Coast Guard's helicopter fleet.

**Targeted Infrastructure Protection Program (TIP)** (Staff Contact: Ron Thaniel) – Under this new integrated Department of Homeland Security grant program, \$600 million in federal grants would be available for the protection of critical infrastructures including ports and transit facilities. The \$600 million is far below the identified security needs for the critical infrastructure, well below the estimated \$400 million needed to safeguard the nation's 300 maritime ports and an estimated \$6 billion needed to safeguard public transportation. Of additional concern, the TIP budget does not contain a specific line item identifying funding levels for the critical infrastructure. This program replaces the port, trucking industry, intercity bus, and intercity passenger rail transportation security grants.

**Aviation Transportation Security** (Staff Contact: Ron Thaniel) – Transportation Security Administration aviation security would be funded at a level comparable to current funding levels. For FY 2006, \$2.04 billion for passenger screening activities is on par with the FY 2005 funding level and \$1.45 billion for baggage screening is the same as FY 2005. The FY 2006 budget also would provide \$180 million for the procurement of checked baggage explosive detection systems and \$45 million would be available for installation of checked baggage explosive detection systems – all funding levels comparable to FY 2005. Of note, the budget proposes to increase passenger fees by \$3.00 starting in 2006, raising the fee on a typical one-leg ticket from \$2.50 one way to \$5.50. For passengers traveling on multi legs of a one way trip, that fee would rise from the current maximum of \$5.00 to \$8.00. Fee increases will allow near full cost recovery of Federal airport screening operations.

**Border Security** (Staff Contact: Justin O'Brien) – The President's 2006 Budget proposes an increase of \$50 million in funding for the United States Visitor and Immigrant Status Indicator Technology (US-VISIT) system; an additional \$178 million for radiological and nuclear inspection equipment for deployment at sea, air, and overland ports; an additional \$8.2 million for the Customs Trade Partnership Against Terrorism (C-TPAT); and an additional \$5.4 million for the Container Security Initiative (CSI). The President's proposal also intends to enhance enforcement and border and port security with increases to the Border Patrol; continued execution of the Arizona Border Control Initiative (ABCI); and new, threat-focused state and local assistance grants. However, the operations of several key commercial and travel security programs including FAST (Free and Secure Trade) and the U.S.-Canada NEXUS program for low-risk cross border travelers would be consolidated and transfer to a Screening Coordination and Operations Office (SCO) with total funding at \$535.5 million—a reduction in funding resulting from

15

a fee-funded discretionary offset of approx. \$311 million. Total Customs and Border Protection funding would show a net increase from \$6.4 billion in FY 2005 to \$6.7 billion. Similarly, funding for U.S. Immigration and Customs Enforcement activities would increase from \$3.4 billion in FY 2005 to \$3.9 billion in FY 2006.

Additional border security highlights include \$600 million for Critical Infrastructure and the Targeted Infrastructure Protection Program to assist State and local governments in reducing the vulnerability of critical infrastructure. This would include ports-of-entry, transit systems, and chemical facilities; a \$37 million increase for an additional 210 Border Patrol agents; \$20 million to continue improvements in sensor, communication, and video surveillance capabilities along our borders, and \$20 million for the acquisition and replacement of aging Border Patrol aircraft.

### PUBLIC SAFETY

**COPS** – The budget proposes to continue the elimination of the COPS program by reducing funding administered by the COPS Office from \$379 million to \$118 million. This comes on top of previous year cuts for the COPS program, which was once funded as high as \$1.6 billion annually. Of the total for FY 2006, no funding would be provided for the Universal Hiring Program, the COPS MORE program, the school resources officers program, or interoperability grants. The budget also severely limits the ability of the COPS office to use recaptured funding.

**Justice Assistance Grant** – The budget would eliminate the Edward Byrne Memorial Justice Assistance Grant program that was just created last year – a cut of \$634 million. The new JAG program was created at the request of the Administration by combining the Local Law Enforcement Block Grant and the state-based Byrne Formula Grant program. In FY 2005, local governments are expected to receive 40 percent of the JAG money, approximately \$214 million.

**Other Justice Programs** – The State Criminal Alien Assistance Program (\$305 million) and the Juvenile Accountability Block grant (\$54 million) would be eliminated. Violence Against Women Act programs would be cut from \$387 million to \$363 million. The Administration is seeking \$177 million for DNA analysis and reducing or eliminating the backlog, and an increase in Drug Court funding from \$40 million to \$70 million.

### **ENERGY** (Staff Contact: Debra DeHaney-Howard)

The President's FY 2006 budget calls for \$23.4 billion in spending for the Department of Energy (DOE), which is \$475 million below the FY 2005 request and represents a 2 percent reduction from FY 2005.

15  
**Renewable Energy** – The budget calls for \$354 million in renewable energy spending to develop diverse sources of energy and related technologies to meet the need for clean and affordable energy. It also increases funds for wind energy and hydrogen technology. This is an \$8.6 million increase over FY 2005 appropriations. The request for solar energy, hydropower, and geothermal technology is \$107 million, a \$7.6 million reduction from the FY 2005 budget appropriations.

**Energy Conservation** – The budget provides \$847 million for energy conservation spending through the Office of Energy Efficiency and Renewable Energy. This represents a \$21.5% reduction from FY 2005. The budget proposes to increase funding for the weatherization assistance for low-income families program from \$228 million in FY 2005 to \$230 million. It also increases the Energy Star program from \$4.1 million to 5.8 million. And it proposes to decrease by 85.6% funding for State energy program grants and State energy activities. Further, it reduces the Clean Cities programs from \$10.6 million to \$6.5 million.

**Electric Transmission and Distribution Grid** – The budget calls for \$96 million for the Electric Transmission and Distribution Grid program, a 19.4 percent decrease from the FY 2005 level.

**Nuclear Waste Repository (Yucca Mountain)** – Funds for the Nuclear Waste Repository, Yucca Mountain, is \$427 million, a \$19.7 million increase from the FY 2005 appropriation.

## EDUCATION (Staff Contact: Fritz Edelstein)

For FY 2006, President Bush is requesting \$56 billion in discretionary appropriations for the U.S. Department of Education. This is a 1 per cent decrease or \$529.6 million from the FY 2005 budget request. The FY 2006 discretionary budget for education focuses on the following priorities over and above the President's \$1.5 billion High School Intervention Initiative: \$603 million increase in Title I Grants to Local Education Agencies; \$508 million increase for the reauthorization of Special Education Grants to States; \$834 million increase for Pell Grants to increase the maximum award to \$4,150; and \$500 million for a new Teacher Incentive Fund to encourage performance-based compensation systems that change the way school districts pay teachers. The new High School Initiative is proposed to be primarily funded by monies redirected from existing programs that are being eliminated in this budget. The budget zero funds 48 programs.

**Elementary and Secondary Education Act, Title I** – The President proposes to increase funding by \$603 million which provides grants to local education agencies through the states for some 15 million students in high-poverty districts across the nation. These are the students most in danger of falling through the cracks. The proposed FY 2006 budget is \$13.3 billion—the same as last year, since the Congress only funded the program at a level of \$12.7 billion in FY 2005.

15

**Individuals with Disabilities Education Act (IDEA)** – The President proposes to increase the Special Education Grants to States program part of IDEA by \$508 million for a FY 2006 budget request of \$11.1 billion which is the same as last year because Congress only appropriated \$10.6 billion in FY 2005. This program funds most of the special education programs in local school districts.

**21<sup>st</sup> Century Community Learning Centers** – The budget proposes to level fund the program at \$991 million. This is the same as the final appropriation in FY 2005.

**Reading First** – In FY 2006 the President is requesting level funding at \$1.042 billion. This program focused on the President's goal that all children read on grade level by the end of third grade.

**Early Reading First** – Similarly, the budget proposal requests level funding at \$104 million for this program that provides support to existing pre-school programs and enables children to get an early start on learning to read prior to entering kindergarten or first grade.

**Teacher Incentive Fund** – This is a newly proposed program at a level of \$500 million to reward teachers and schools making great progress in closing the achievement gap between students of different socio-economic backgrounds, recruit the most effective teachers to teach in high-need schools, and provide support for school districts to link teacher compensation more closely to growth in student achievement.

**Vocational Education (State Grants and National Programs)** – The Administration proposes funds previously appropriated for Vocational Education State Grants (\$1.194 billion) and National Programs (\$11.8 million) to be redirected to the President's High School Intervention Initiative. These funds will help support a new comprehensive strategy for improving the effectiveness of federal investments at the high school level and for a community college access initiative.

**Pell Grants** – An increase of \$834 million is requested for Pell Grants for a proposed request in FY 2006 of \$13.2 billion. This budget proposal includes an increase of the individual grant to \$4,150 per year. Included in the President's budget request for Pell Grants is \$33 million to create Enhanced Pell Grants that will provide an additional \$1,000 to low-income students who are State Scholars and take rigorous high school curricula. This is the same request as last year.

**President's High School Intervention Initiative** – This initiative is a comprehensive proposal that builds on the stronger accountability of No Child Left Behind to improve the quality of secondary education and ensure that every student not only graduates from high school, but graduates prepared to enter college or the workforce.

15

**Improving Access to Community College** – The proposed budget provides \$125 million for a new grant fund designed to boost college enrollment and completion particularly for low-income students. The program would offer incentives to community colleges to create dual-enrollment programs to ease transition from high school to college, and encourage states to create policies which would make it easier for students to transfer credits from community college to 4-year institutions.

**Some programs being proposed for elimination are:** Arts in Education, Community Technology Centers, Education Technology State Grants, Even Start, Javits Gifted and Talented Learning, Mental Health Integration in Schools, Parental Information and Resource Centers, Literacy Program for Prisoners, Elementary and Secondary School Counseling, Smaller Learning Communities, School Dropout Prevention, and Tech Prep.

#### **ENVIRONMENT (Staff Contact: Judy Sheahan)**

The Environmental Protection Agency's (EPA) proposed budget for FY 2006 is \$7.6 billion, a 6% decrease (\$420 million) from the FY 2005 budget of \$8.02 billion.

**Brownfields** – The President's budget calls for \$210 million for the brownfields program, the same as his request last year but \$40 million more than Congress appropriated (\$170 million). Of this total, \$120.5 million is allocated for brownfields assessment and cleanup funding, \$60 million for state programs, and the remaining money allocated for personnel and program costs.

**Clean Water/Safe Drinking Water Infrastructure** – The Drinking Water State Revolving Fund remains level at \$850 million, as was proposed and funded during previous years. The budget request for Clean Water State Revolving Loan Funds is \$730 million, a decrease of \$360 million from the FY 2005 enacted appropriations of \$1.09 billion. This is even more of a significant decrease when compared to FY 2004's actual allocation of \$1.35 billion which includes Congressional earmarks.

**Superfund** – The President has proposed an increase of \$32 million for Superfund cleanup to \$1.3 billion from the FY 2005 actual levels enacted of \$1.246 billion but down from his proposed levels of \$1.38 billion in FY 2005. The Administration is proposing to work with Congress, the communities, and citizens to address the remaining sites on the National Priorities List that are large, complex and that generally cost \$50 million or more to cleanup per site.

**Army Corps of Engineers** – The proposed budget for FY 2006 calls for discretionary budget authority of \$4.3 billion, a decrease of 7% from FY 2005 estimate of \$4.7 billion.

## JOB TRAINING PROGRAMS (Staff Contact: Joan Crigger)

The President's Budget for the Department of Labor (DOL) calls for a new \$3.9 billion consolidated block grant by combining the current Adult, Dislocated Worker and Youth job training programs with the Employment Service which would provide for greater flexibility for governors to determine how these funds are spent. This is the first time that Youth programs have been included in a proposed block grant. These programs currently are jointly funded at \$4.1 billion.

In addition, governors would be able to supplement this consolidated block grant with resources from several other federal job training and employment programs including Veterans Employment and Trade Adjustment Assistance Training from DOL, Vocational Rehabilitation and Adult Education from the Department of Education, and Food Stamps Employment and Training from the Department of Agriculture.

**Consolidated Grant Program** – This block grant would consolidate formula grant funds from the Adult, Dislocated Worker and Youth job training programs along with the Employment Service funds. It would also include funds from the Work Opportunity Tax Credit administration grants and Labor Market Information grants.

**Adult Training Grants** – The budget would eliminate adult training grants in favor of a consolidated block grant to states.

**Dislocated Worker Job Training Grants** – The budget would eliminate all dislocated worker training grants in favor of a consolidated block grant to states.

**Youth Training** – DOL proposes to eliminate all youth training grants in favor of a consolidated block grant to states.

**Community-Based Job Training Grants** – The budget would fund this community college initiative at \$250 million as part of the President's High-Growth Job Training Initiative. It would fund competitive grants to community colleges that partner with employers to train workers with skills needed in growth sectors of the economy.

**Prisoner Re-entry Program** – The budget includes a total of \$75 million for the second year funding of this four-year Prisoner Re-entry Initiative to help individuals exiting prison make a successful transition to community life and long-term employment. DOL would provide \$35 million for this initiative, HUD would provide \$25 million, and the Department of Justice would provide \$15 million. These agencies will work together with faith-based and community organizations to fund competitive grants which include job training, transitional housing assistance and mentoring.

15  
**TRANSPORTATION** (Staff Contact: Ron Thaniel)

The President's budget for the Department of Transportation proposes \$57.5 billion in discretionary spending. This amount includes a \$28 billion increase for the reauthorization of TEA-21, bringing the Administration's proposal to \$284 billion over six-years, up from last year's \$256 billion request. This funding increase was made possible by legislation passed last year that directs ethanol tax receipts into the Highway Trust Fund. Mandatory spending is \$1.2 billion. The total Department of Transportation budget is \$58.8 billion or a 3.3 percent reduction from 2005's budget of \$60.8 billion. Of note, the President's budget, which proposes the elimination of Amtrak's federal subsidies placing Amtrak on track for a shutdown in October 2005, does not guarantee transit funding from the trust fund, and reduces airport improvement grants from \$3.5 billion to \$3.0 billion.

**Amtrak** – The 2006 budget request contains no funding for Amtrak, placing the intercity railroad on a shutdown track, in October of 2005, unless the following reforms are enacted:

- Amtrak would split into a private infrastructure company and train operating company, effectively separating the Northeast Corridor (NEC) infrastructure from long-distance train operations.
- DOT would lease the NEC infrastructure to a compact of States that would be responsible for managing the infrastructure and train operations along the corridor.
- Outside the Northeast where Amtrak does not own track, individual States and interstate compacts could negotiate with the freight rail companies to develop new routes.
- After a transition period, States would bid contracts for infrastructure maintenance and train operations among the former Amtrak companies and other private companies.
- States would cover train operating subsidies.
- Federal matching grants would help pay for infrastructure.

The 2006 budget proposes \$360 million for the Surface Transportation Board to maintain existing commuter services along the NEC and elsewhere if Amtrak ceases to operate.

The Next Generation High-Speed Rail Program funds have been eliminated in the proposed budget because the future of passenger rail remains under debate.

**TEA-21 Reauthorization** – The FY 2006 budget includes a \$28 billion funding increase for the Administration's TEA-21 reauthorization proposal to reflect a reported agreement with the House to fund the nation's surface transportation programs at \$284 billion over six-years. Reports are that the Senate is considering a larger reauthorization funding level.

15

**Federal-Aid Highway Program** – The FY 2006 budget request is \$34.7 billion, up from \$34.4 billion for FY 2005, for the Federal-Aid Highway Program.

**Transit Program** – The Transit Program requests of \$7.78 billion is about a 2 percent increase over the FY 2005 spending level of \$7.65 billion. Of concern, the FY 2006 budget does not guarantee the transit general funds as they were under TEA-21, and it does not preserve the traditional balance between Transit and Highway Programs.

**Aviation Program** – Aviation spending would slightly decrease in FY 2006 from \$13.90 billion in FY 2005 to \$13.79 billion in the proposed FY 2006 budget. Of note, the Airport Improvement Program (AIP) is reduced from \$3.5 billion to \$3.0 billion.

**Maritime Administration Budget** – The FY 2006 Maritime Administration (MARAD) request of \$294 million is a decrease of \$11 million (about 3.7 percent) below the 2005 enacted level. The MARAD mission is to strengthen the U.S. maritime transportation system – including infrastructure, industry, and labor – to meet the economic and security needs of the Nation.

# 15 Comparison of Funding Levels for Key Municipal Programs in Enacted FY 2005 Budget and Proposed FY 2006 Budget

Prepared by  
The United States Conference of Mayors  
February 7, 2005

(Dollars in Millions)

	FY 2005 Enacted	FY 2006 Proposed
<b>ARTS, HUMANITIES, MUSEUMS AND PARKS</b>		
National Endowment for the Arts	121	121
National Endowment for the Humanities	138	138
Museum Grants	34	36
Urban Parks	0	0
Land and Water Conservation Fund	90	0
Historic Preservation	72	71
Travel and Tourism Promotion	10	0
<b>EDUCATION</b>		
21st Century Community Learning Centers	991	991
Title I Education for the Disadvantaged	12,740	13,342
Special Education State Grants	10,589	11,098
Impact Aid	1,243	1,240
Language Acquisition State Grants	675	676
Vocational Education State and National Program Grants	1,300	0
Improving Teacher Quality State Grants	2,917	2,917
Pell Grants	12,365	13,232
Charter Schools	217	219
Reading First	1,042	1,042
Early Reading First	104	104
Education for Homeless Children and Youth	62	62
Early Childhood Educator Professional Development	14	15
TRIO Programs	837	379
Safe and Drug Free Schools Program	672	317
High School Intervention Initiative	0	1,500
High School Intervention	0	1,240
Striving Readers	25	200
Vocational Education State and National Programs	1,205	0
TRIO Upward Bound	313	0
TRIO Talent Search	145	0
GEAR UP	307	0
<b>ENERGY</b>		
Nuclear Waste Repository (Yucca Mountain)	408	427
Electric Transmission/Distribution	119	95
Energy Efficiency Building Technology	65	58
Fuel Cell Technology (Hydrogen Fuel / FreedomCar)	75	84
Rebuild America, Energy Star, Clean Cities	34	27

15

	FY 2005 Enacted	FY 2006 Proposed
Renewable Energy Supply (Solar, Wind, Geothermal, Biomass)	380	354
Vehicle Technologies	165	166
State Energy Program Grants	44	41
Weatherization Grants for Low Income Families	228	230

**ENVIRONMENT**

Clean Water State Revolving Loan Funds	1,090	730
Drinking Water State Revolving Loan Funds	843	850
Superfund	1,246	1,300
Brownfields Assistance	170	210

**FOOD AND NUTRITION ASSISTANCE**

Food Stamps	34,032	37,512
Child Nutrition Programs	12,367	12,913
WIC	5,241	5,576
Commodity Assistance Program (TEFAP)	107	50

**HEALTH**

Medicare	290	340
Medicaid (outlays)	188	192
Ryan White CARE Act	2073	2083
CDC AIDS, STD, TB	960	956
Health Centers	1734	2038
Family Planning	286	286
Healthy Start	102	97
Maternal and Child Health Block Grant	724	724
Preventive Health Block Grant	131	0
Immunizations	479	529
Mental Health Partnership	433	433
Chronic Disease Prevention and Health Promotion	899	840

**HOMELAND SECURITY**

State First Responder Formula Grant Program	1,100	0
State Discretionary Grant Program (New)	0	1,020
High-Threat Urban Areas Program	860	1,020
Homeland Security Law Enforcement	400	0
Targeted Infrastructure Protection (TIP) - Ports, Transit, Other... (New)	0	600
Port Security Grants (TIP)	150	0
Rail/Transit Security Grants (TIP)	150	0
Intercity Bus Security Grants (TIP)	10	0
Firefighter Grants	650	500
Technology Transfer Program	50	50
Fire Department Staffing Assistance Grants	65	0
Metropolitan Medical Response System	30	0
Urban Search and Rescue	30	0
Citizen Corps	15	50
High-Risk-Non-Profit Organization Grants	25	0
Emergency Management Performance Grants	180	170
Bio-Terrorism (HHS State & Local Capacity)	927	797
Aviation Passenger Screening	2,049	2,049
Aviation Baggage Screening	1,227	1,452
Procurement of Explosive Detection System (EDS)	180	180

15

Installation of EDS/Letter of Intent  
 Rail/Transit Security Grants (TSA)  
 Coast Guard

FY 2005 Enacted	FY 2006 Proposed
295	295
12	0
6,321	6,947

**CRIME AND DRUG CONTROL**

COPS Funding  
 COPS Hiring (within COPS)  
 Local Law Enforcement Block Grant  
 Byrne Anti-Drug Enforcement Grants  
 NEW Justice Assistance Grant Program  
 Southwest Border Prosecutors  
 Juvenile Accountability Incentive Block Grant  
 Violence Against Women Act Grants  
 Safe and Drug Free Schools and Communities  
 Drug Courts  
 State Prisoners Drug Treatment  
 State Criminal Aliens Assistance Program  
 Weed & Seed  
 Project ChildSafe (Gun Locks)  
 State and Local Gun Violence Assistance Program  
 Offender Reentry  
 Bullet Proof Vests  
 Substance Abuse Partnership Block Grant  
 Substance Abuse Prevention  
 Substance Abuse Treatment

379	118
(10)	0
0	0
0	0
634	0
30	48
54	0
387	363
672	317
40	70
25	44
305	0
62	60
5	33
0	74
10	15
25	30
1776	1776
200	184
421	447

**HOMELESS ASSISTANCE**

Homeless Programs  
 Emergency Food and Shelter (DHS)  
 Education for Homeless Children & Youth  
 PATH Formula Grants

1,240	1440
153	153
62	62
55	55

**HOUSING AND COMMUNITY DEVELOPMENT**

Community Development Block Grant  
 HOME Investment Partnership  
 American Dream Down payment (within HOME)  
 Public Housing Operating Subsidies  
 Public Housing Capital Fund  
 HOPE VI  
 Housing Opportunities for People with AIDS  
 Section 202 Elderly/Section 811 Disabled  
 Section 108 Loan Guarantees  
 Section 8 Rental Assistance  
 Community Development Financial Institutions  
 Brownfields Assistance  
 Urban Empowerment Zones  
 Economic Development Administration

4,709	0
1,900	1,941
50	200
2,438	3,407
2,579	2,327
143	-143
282	268
979	860
275	0
14,766	15,845
55	0
24	0
10	0
284	27

**HUMAN SERVICES**

Temporary Assistance to Needy Families  
 Child Care & Development Block Grant  
 Head Start

17,044	18,164
2,718	2,718
6,843	6,888

	FY 2005 Enacted	FY 2006 Proposed
Social Services Block Grant	1,764	1,762
Low-Income Home Energy Assistance	2,182	2,000
Community Services Block Grant	637	0
Administration on Aging Programs	1393	1372
State Children's Health Insurance Program	5343	6233
Refugee and Entrant Assistance	430	489

**JOB TRAINING PROGRAMS**

Consolidated Block Grant <sup>iii</sup>	N/A	3,913
Adult Training	891	0
Dislocated Workers Assistance <sup>iv</sup>	1,344	0
Community Based Job Training Grants	248	250
Youth Training	986	0
Youth Opportunity Grants	0	0
Job Corps	1,546	1,517
One-Stop Career Centers / System Building	98	48
Reintegration of Youth Offenders	50	0
Prisoner Reentry Program <sup>v</sup>	20	35
Migrant and Seasonal Farm Workers	73	0
Employment Service (Wagner-Peyser)	780	0
YouthBuild <sup>vi</sup>	67	60

**TRANSPORTATION**

Amtrak (Eliminates Amtrak Federal Subsidy: Assumes \$360 million for the Surface Transportation Board to maintain commuter services if Amtrak ceases operation.)

Amtrak (Eliminates Amtrak Federal Subsidy: Assumes \$360 million for the Surface Transportation Board to maintain commuter services if Amtrak ceases operation.)	1,217	0
Federal Aviation Administration	13,903	13,792
Airport Improvement Program (AIP)	3,498	3,001
Federal Aid Highway Program	34,419	34,700
Federal Transit (General Fund Support of Transit Not Guaranteed)	7,649	7,781
Major Capital Investment Grants	1,452	1,562
Formula Grants & Research	6,118	6,135
Maritime Administration Budget	305	294

<sup>i</sup> Moves the Vocational Education Secondary and Technical Education State Grants program to the President's new High School Intervention Initiative

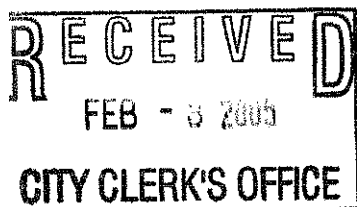
<sup>ii</sup> The President has requested rescinding these funds in the FY 2006 budget.

<sup>iii</sup> The DOL budget proposes to create a new consolidated block grant program by combining the current adult, dislocated worker, and youth employment and training activities together with the Employment Service to provide governors more flexibility.

<sup>iv</sup> This figure reflects the \$117 million transfer to the Community-Based Job Training Grants (community college initiative)

<sup>v</sup> Proposed funding for the second year of this program is \$75 million – \$35 million provided by DOL, \$25 million by HUD, and \$15 million by Justice

<sup>vi</sup> YouthBuild was previously funded at HUD. The budget proposes to move YouthBuild to DOL.



LAW OFFICES OF  
**Kelley & Tilsley**  
PROFESSIONAL ASSOCIATION

WILLIAM H. KELLEY  
(1942 - 2003)

ROY W. TILSLEY JR.  
rwt@kelleyandtilsley.mv.com

KERMIT J. ZERR  
kz@kelleyandtilsley.mv.com

February 1, 2005

Board of Aldermen  
City of Manchester  
One City Hall Plaza  
Manchester, NH 03101

Re: Potential Purchase of City-Owned Land, Map 861, Lot 25  
Request for Variances, Map 861, Lots 23, 24 & 25  
Rene Soucy, agent for John D. Freitas, Jr.

Dear Board Members:

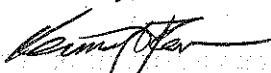
I have been notified by Carol Johnson, Deputy City Clerk, that the Board of Mayor and Aldermen, at their January 25, 2005 meeting, voted to accept the recommendation of the Committee on Lands and Buildings to place City-owned Lot 25 out for sale. Further, I wish to thank the Board for considering my correspondence of January 14, 2005, with regard to this matter. Unfortunately, I did not obtain the authorization from the Board that I set out to achieve.

Though Mr. Soucy is excited that in the near future the City will consider bids for Lot 25, his willingness to bid on the property is contingent upon whether he can consolidate Lot 25 with an abutting lot and gain access to same so that he may erect a modest single-family residence. **Accordingly, Mr. Soucy requests the Board's written authorization to include Lot 25 in a variance application to the Manchester Zoning Board of Adjustment for this purpose.**

It would certainly be in the City's best interest to have Mr. Soucy as an additional bidder for the property. The more people bidding for the property, the more the City stands to gain. However, the property has little, if any, value to Mr. Soucy unless he is allowed to build a residence thereon, and he cannot be assured of such without approval from the ZBA. Unfortunately, the ZBA will not consider his application without authority from the Board of Mayor and Aldermen to include Lot 25 for consideration, contingent upon Mr. Soucy being the successful bidder at the sale.

Please thoughtfully consider granting Mr. Soucy's request to include Lot 25 in his application to the ZBA. I believe truly that the City stands to benefit by doing so.

Sincerely,



Kermit J. Zerr

KJZ/pjm

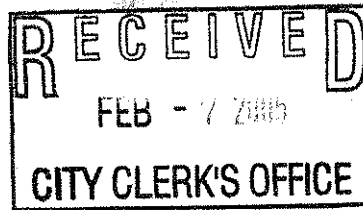
cc: Client

1526

AldermenLtr2.doc

February 5, 2005

City of Manchester  
Office of the City Clerk  
One City Hall Plaza  
Manchester, NH 03101



RE: Resolution Request

Dear Manchester City Clerk,

My name is Steven Leraris and I grew up in Eastern Pennsylvania. I am now a resident of Washington, D.C. I am helping gather Resolutions Supporting the rights of District of Columbia residents to full congressional voting representation. The United States of America is the only democratic nation in the world to deny citizens living in the nation's capitol representation in the national legislature. Any issue that comes before congress – Social Security, Medicare etc. - there is no one representing us to vote Yes or No.

The more than half million residents of Washington, D.C. – seniors, families, veterans – have all the responsibilities of citizenship:

- Paying more than \$3 Billion annually in federal taxes.
- Fighting and dying in Iraq & Afghanistan as your residents are.

Currently no city or town from New Hampshire has passed a resolution of support. I would very much like to add Manchester to this list <http://www.dcvote.org/rights/resolutions.cfm#natprogres>

I respectfully request that you place this on your agenda at your earliest convenience.

Sincerely,

Steven Leraris  
4020 Arkansas Ave., NW  
Washington, D.C. 20011  
202-829-1353

CC: Kevin Kiger, DCVote.org  
kkiger@dcvote.org  
1500 U Street, NW  
Washington, DC 20009  
202.462.6000 x12  
202.462.7001 (fax)

## 17 Resolution in Support Voting Rights for the District of Columbia

WHEREAS; over half a million people living in the District of Columbia, capital of our democratic nation, are denied voting representation in the U.S. Senate and U.S. House of Representatives; and

WHEREAS; District of Columbia residents are denied local governmental autonomy and must submit their local budget for approval to the U.S. Congress in which they have no voting representation; and

WHEREAS; District of Columbia residents share all the responsibilities of American citizenship but are denied equal civil rights with their fellow Americans living in the states; and

WHEREAS; District of Columbia residents have fought and died to defend America's democracy in every war since the War for Independence; and

WHEREAS; District of Columbia residents serve more per capita on federal juries than all but one jurisdiction in the United States; and

WHEREAS; District of Columbia residents pay over \$3 billion annually in federal income taxes; and

WHEREAS; our nation is founded on the principles of 'one person, one vote' and government by the consent of the governed; and

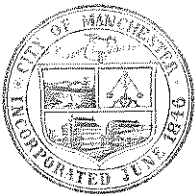
WHEREAS; the Inter-American Commission on Human Rights of the Organization of American States has found the United States to be in violation of international human rights law for its disenfranchisement of District of Columbia residents; and

WHEREAS; Article I, Section 8 of the U.S. Constitution gives Congress the power, "To exercise exclusive legislation in all cases whatsoever, over such District ... as may ... become the seat of the government of the United States," and, "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers;" and

WHEREAS; the Fourteenth Amendment to the U.S. Constitution provides all citizens of the United States of America with the guarantee of the equal protection of the laws, and gives Congress the power to enforce such guarantee; and

NOW, THEREFORE, \*\*\* does hereby fully endorse and support DC Vote and its mission to secure full voting representation in Congress for the residents of the District of Columbia.

Signed:



## CITY OF MANCHESTER Board of Aldermen



Memo To: Board of Mayor and Aldermen

From: Theodore L. Gatsas  
Alderman – Ward 2

Date: January 26, 2005

Re: Discussion and information relating to Bond Counsel

I am requesting a discussion by the Board at its February 1<sup>st</sup> meeting regarding going out to bid to engage Bond Counsel for our next contract. I am also asking that the Finance Officer provide at or prior to this meeting, information to the Board relating to the previous bidding process including documentation as to when that was done and how many bids the City received.

C: Kevin Clougherty, Finance Officer


**IN BOARD OF MAYOR & ALDERMEN**

**DATE:** February 1, 2005

**ON MOTION OF ALD.** Gatsas

**SECONDED BY ALD.** DeVries

**VOTED TO** table.

  
CITY CLERK



**City of Manchester  
Department of Finance**

One City Hall Plaza  
Manchester, New Hampshire 03101  
Phone: (603) 624-6460  
Fax: (603) 624-6549

January 27, 2005

Alderman Theodore Gatsas  
C/o Office of the City Clerk  
One City Hall plaza  
Manchester, NH 03101

Dear Alderman Gatsas,

Enclosed per your request, is information regarding the City's previous bidding process for Bond Counsel Services. The Expressions of Interest and Qualifications (EIQ) was announced on September 21, 2004, the subsequent Request for Proposals (RFP) was issued on November 17, 2004. A total of six firms responded.

I hope this information is helpful. Please feel free to call with any questions.

Sincerely,

Randy M. Sherman  
Deputy Finance Officer

Cc: Honorable Board of Mayor and Aldermen  
Tom Clark

**LEGAL NOTICE  
CITY OF MANCHESTER, NEW HAMPSHIRE  
INVITATION TO SUBMIT LETTERS OF INTEREST  
AND QUALIFICATIONS  
TO PROVIDE BOND COUNSEL SERVICES**

The City of Manchester, New Hampshire (the "City") is, through its Finance Officer, requesting applications from firms desiring to serve as Bond Counsel to the City on all matters related to the financial requirements, both short term and long term, of the City. This request for Expressions of Interest and Qualifications (EIQ) is presented in compliance with the City's Procurement Code.

Firms interested in submitting letters of interest and qualifications shall first obtain copies of the City's formal invitation package. Invitation packages may be obtained by contacting:

Kevin A. Clougherty, Finance Officer  
Department of Finance  
City Hall, 2nd Floor  
One City Hall Plaza  
Manchester, New Hampshire 03101

(603) 624-6460

Submission of responses to the City's invitation for Expressions of Interest and Qualifications must be received by the Finance Officer on or before 5:00 PM, Friday, October 15, 2004.

The City of Manchester, NH is an Affirmative Action/Equal Opportunity Employer.

Individuals requiring special accommodations in order to respond to this solicitation should contact Mr. Kevin A. Clougherty, Finance Officer at the address or telephone number listed above at least twenty-four (24) business hours prior to the required accommodations.

19

**CITY OF MANCHESTER, NEW HAMPSHIRE  
EXPRESSIONS OF INTEREST AND QUALIFICATIONS  
FOR  
BOND COUNSEL SERVICES**

**A. PROCESS**

The Procurement Code of the City of Manchester, NH (the "City") requires that a two step process be followed in the purchase of Professional Services. The initial step is the City issuing a Request For Expressions Of Interest And Qualifications (EIQ). A "short list" of firms is then selected from the responders to the EIQ. The second step has the City issue a formal Request For Proposals (RFP) with only firms on the short list invited to respond.

Pursuant to the Code, the City is soliciting Expressions Of Interest And Qualifications from firms to provide Bond Counsel services. Only firms listed in the Bond Buyer's "Red Book" will be recognized for considered. The length of the engagement is for a period of at least five years (3,1,1).

**B. INFORMATION CONCERNING THE CITY**

The City of Manchester, New Hampshire is located on the Merrimack River in south central New Hampshire approximately 58 miles north of Boston, Massachusetts. It is bordered by the towns of Hooksett, Bedford, Londonderry, Goffstown, Auburn, Litchfield and Merrimack. Manchester is the largest city in New Hampshire with a population of approximately 108,000 and occupies a land area of 33.9 square miles. Manchester is the major trade and financial center for the state of New Hampshire.

The City ordinarily issues bonds on an eighteen-twenty-four month cycle totaling approximately \$30 million. Though the majority of the City's issuances are fixed rate, general obligation debt, the City has issued revenue bonds, variable rate bonds and entered into variable to fixed swap arrangements. The City is rated Aa2 by Moody's Investors Service and AA+ by both Fitch Ratings and Standard & Poor's as of the date of this request.

Additional information can be found on the City's website [www.manchesternh.gov](http://www.manchesternh.gov). A copy of the Official Statement will be e-mailed upon request.

**C. SCOPE OF SERVICES**

The Bond Counsel will be asked to provide legal opinions and advice on the sale of all bonds, notes or other securities during the term of this engagement. Bond Counsel will also provide advice on other issues related to the financial structuring of other projects undertaken by the City. Several distinct types of services are required:

1. Since the City's capital needs are financed through long- term borrowing, the Bond Counsel shall meet with the City Finance Officer, at a minimum, on an annual basis to review the City's six-year capital improvement program.
2. The Bond Counsel shall provide the legal expertise necessary to improve and maintain the City's credit rating in the bond and note market. The Bond Counsel shall advise the City of

pertinent legal and tax issues.

3. The Bond Counsel should work with the City Finance Officer to ensure that the City is in compliance with Arbitrage Regulations.
4. The Bond Counsel shall represent the City Finance Officer in all matters before the Internal Revenue Service.
5. The Bond Counsel shall communicate in writing any pending federal or state legislation that could effect the City's financial plan. This communication is expected to assist the City Finance Officer with these requirements. Attendance at these presentations may be required.
6. The City may require assistance in the assembling and submitting information to federal and state agencies for approval of plans and programs. The Bond Counsel will be expected to assist the City Finance Officer with these requirements. Attendance at these presentations may be required.
7. The Bond Counsel shall assist with the preparation of the bond language and other contents of the Official Statement.
8. Perform such other duties as necessary including attendance at Board of Mayor and Aldermen meetings to discuss tax issues; CIP guidelines; strategies for improving the City's credit worthiness and other related financial matters.

#### **D. INSTRUCTIONS TO FIRMS RESPONDING TO THE EIQ**

Please send the original and six (6) copies of your response in a sealed envelope marked: "CONFIDENTIAL, EIQ RESPONSE" to the City for receipt by 4:00 PM on Friday, October 15, 2004 at the following address:

Mr. Kevin A. Clougherty  
Finance Department  
City Hall, 2nd Floor  
One City Hall Plaza  
Manchester, New Hampshire 03101

TELECOPIED PROPOSALS WILL NOT BE ACCEPTED.

(1) IT IS THE SOLE RESPONSIBILITY OF THE FIRM(S) RESPONDING TO THIS EIQ TO ENSURE THAT THEIR RESPONSE(S) ARRIVED AT THE DESIGNATED PLACE ON TIME.

Responses shall be submitted prior to the designated deadline. Responses may be withdrawn prior to the opening date and time, upon written request of the respective firm(s). Responses received after the stated deadline will be returned to the respective firm(s) unopened.

This EIQ is issued by the City's Finance Officer. An Evaluation Committee, comprised of the Finance Department Officials and the City Solicitors office, shall review all proposals submitted and make non-

19

binding recommendations to the Finance Officer. As part of the comparative evaluation, the Committee will review each submission with regards to the firms qualifications and performance of Bond Counsel services.

Firms may submit written questions concerning this Request no later than seven (7) calendar days before the deadline, to the address specified herein. The Evaluation Committee will review and consolidate all inquiries received before this deadline and will prepare and provide to all "firms of record" answers to questions it determines are of general interest. Therefore, firms are cautioned that all inquiries should be in writing and expressed in general terms and shall not include any cost information. The inclusion of cost information in the EIQ phase may result in the firms disqualification.

If it becomes necessary to revise any part of this EIQ, or if additional data or information is necessary to clarify any of its provisions, an addendum will be published and provided to all firms of record.

All correspondence pertaining to this EIQ shall be directed to Mr. Kevin A. Clougherty at [kclougherty@manchesternh.gov](mailto:kclougherty@manchesternh.gov). No inquiries should be made to any other appointed or elected officials of the City. The City reserves the right to reject any or all submittals in response to this EIQ.

Expenses for developing and submitting EIQ responses are entirely the responsibility of the firm(s) responding and shall not be chargeable to the City of Manchester, NH.

#### **E. QUESTIONS FOR THE SELECTION OF BOND COUNSELY SERVICES - EIQ**

1. Briefly describe the Firm's practice in public finance and give a brief history of the firm. Please include a current organization chart detailing corporate structure.
2. The Firm shall provide resumes of the individuals in the who will be assigned to work with the City during this engagement. Resumes shall include a complete description of each individual members qualifications, experience and specific role in providing advisory services to the City. Describe the anticipated division of duties among partners, associates, etc. The names of all replacement personnel of the primary team and their qualifications and experience level should be included in your response.
3. The names, addresses, and telephone numbers of at least five professional references shall be provided.
4. Please name comparable New England cities for which your Firm has served as Bond Counsel during the past two years. In this regard, please provide a list of all New Hampshire cities and towns for which your Firm currently serves as Bond Counsel. A list of prior New Hampshire clients may be submitted as a separate attachment.
5. Please list all general obligation and revenue bond financings in which your proposed lead individual has participated, by year and total dollar amount, for the last two years. The itemized statement should differentiate new money issues from refunding issues. Also, please indicate the role of individuals in the Firm that would be assigned to the City of Manchester, in these deals.
6. Please provide a detailed statement of the proposed approach to this engagement with emphasis on the specific elements included under the Scope of Services section. The

statement shall include a discussion of any specific issues or difficulties which are unforeseen by the applicant's team for dealing with such elements.

7. Provide information demonstrating the financial stability of the Firm and it's ability to complete the project if selected. State if the Firm has filed for U.S. Bankruptcy Court protection during the past seven years and, if so, describe the circumstances and disposition of the case.
8. Please itemize any ethical, legal or regulatory actions or penalties taken against the Firm or any of its employees in the past five (5) years.
9. Description of previous experience as bond counsel to state agencies, to municipalities, regional public entities or other public entities. Include a list of government clients for which the Firm has served as bond counsel during the last five years.
10. Provide background information regarding the Firm's experience in tax issues associated with tax-exempt financing. Identify staff proposed to provide these services; provide brief resumes.
11. Identify the Firm's professional liability insurance provider and indicate the extent of coverage.
12. Describe the Firm's experience in drafting legislation.
13. Describe the Firm's experience in representing issuers before federal agencies (i.e. IRS, Treasury).
14. Describe your Firm's knowledge of and experience with New Hampshire municipal finance law and practices.
15. Identify any existing or potential conflicts of interest as well as your representation of parties or other relationships that would be of the nature disapproved by the issuer.
16. Any other information you feel would be relevant to the City.

## **F. SELECTION CRITERIA**

The selection of firms to proceed to the second phase (RFP) of the procurement process will be based on a combination of the following criteria:

1. The knowledge of and practical experience with New Hampshire municipal finance that the firm, and the individuals assigned to the City possess.
2. The quality and extent of the applicant's experience and expertise in the area of Bond Counsel services.
3. The experience and qualifications of the individual who will be primarily responsible for advising the City.

19

4. The experience and qualifications in providing Bond Counsel services to other New England and New Hampshire cities and towns.
5. Availability and accessibility of staff assigned to the City.
6. Locality.
7. Ability to communicate ideas.
8. Ability to perform all of the major disciplines necessary to perform the work.

By October 29, 2004, the Finance Officer will notify responders of the status of their proposals. If necessary, interviews and site visits as part of the initial phase of the process are expected to be scheduled, between October 20, 2004 and October 27, 2004. The final "short list" selection will be made shortly thereafter.

# City of Manchester New Hampshire



## Request for Proposals For Bond Counsel Services

November 17, 2004

19

**CITY OF MANCHESTER, NEW HAMPSHIRE  
REQUEST FOR PROPOSALS  
FOR  
BOND COUNSEL SERVICES**

**A. PROCESS**

The Procurement Code of the City of Manchester, NH (the "City") requires that a two step process be followed in the purchase of Professional Services. The initial step, the City issuing a Request for Expressions of Interest and Qualifications ("EIQ") has already been completed. A "short list" of firms has been selected from the responders to the EIQ. The second step of the process has the City issue a formal Request For Proposals ("RFP") with only firms on the short list invited to respond.

Please be advised that your firm has been selected to be on the short list for Bond Counsel Services. Therefore, the firm is invited to respond to the following RFP.

**B. SCOPE OF SERVICES**

Bond Counsel shall provide legal opinions and advice on the sale of all bonds, notes or other securities during the term of this engagement. Bond Counsel will also provide advice on other issues related to the financial structuring of other projects undertaken by the City. Several distinct types of services are required:

1. Assist the City Finance Officer in the preparation and execution of all documents relating to the issuance of all bond notes and other debt instruments. Prepare and issue all related legal opinions regarding City debt issuances regardless of funding sources.
2. Since the City's capital needs are financed through long- term borrowing, the Bond Counsel shall meet with the City Finance Officer, at a minimum, on an annual basis to review the City's six-year capital improvement program.
3. The Bond Counsel shall provide the legal expertise necessary to improve and maintain the City's credit rating in the bond and note market. The Bond Counsel shall advise the City of pertinent legal and tax issues.
4. The Bond Counsel should work with the City Finance Officer to ensure that the City is in compliance with Arbitrage Regulations.
5. The Bond Counsel shall represent the City in all matters before the Internal Revenue Service.
6. The Bond Counsel shall communicate in writing any pending federal or state legislation that could effect the City's financial plan. This communication is expected to assist the City Finance Officer with these requirements. Attendance at these presentations may be required.
7. The City may require assistance in the assembling and submitting information to

federal and state agencies for approval of plans and programs. The Bond Counsel will be expected to assist the City Finance Officer with these requirements. Attendance at these presentations may be required.

8. The Bond Counsel shall assist with the preparation of the bond language and other contents of the Official Statement.
9. Perform such other duties as necessary including attendance at Board of Mayor and Aldermen meetings to discuss tax issues; CIP guidelines; strategies for improving the City's credit worthiness and other related financial matters.

### **C. INSTRUCTIONS TO FIRMS RESPONDING TO THE RFP**

Please send the original and four (4) copies of your proposal (marked: CONFIDENTIAL, RFP RESPONSE) to the City for receipt by 5:00 PM EST on December 1, 2004 at the following address:

Mr. Kevin A. Clougherty  
Finance Department  
One City Hall Plaza  
Manchester, New Hampshire 03101

**FAXED PROPOSALS WILL NOT BE ACCEPTED**

**IT IS THE SOLE RESPONSIBILITY OF THE FIRM RESPONDING TO THIS RFP TO ENSURE THAT THEIR RESPONSE ARRIVED AT THE DESIGNATED PLACE ON TIME.**

Responses shall be submitted prior to the designated deadline. Responses may be withdrawn prior to the opening date and time, upon written request of the respective firm(s). Responses received after the stated deadline will be returned to the respective firm(s) unopened.

This RFP is issued by the City's Finance Officer. City Finance Department Officials shall provide technical assistance and support to the Finance Officer in selecting Bond Counsel. As part of the comparative evaluation, the Finance Officer will review each submission with regards to the firm's qualifications, performance of Bond Counsel Services and cost of services.

If it becomes necessary to revise any part of this RFP, or if additional data or information is necessary to clarify any of its provisions, an addendum will be published and provided to all firms on the short list.

All correspondence pertaining to this RFP shall be directed to Mr. Kevin A. Clougherty at (603) 624-6460 or via e-mail at [kclougherty@manchesternh.gov](mailto:kclougherty@manchesternh.gov). Additional information such as Bond Resolutions, recent Official Statements, and audited financial statements are available upon request. No inquiries should be made to any other appointed or elected officials of the City. The City reserves the right to reject any or all submittals in response to this RFP.

Expenses for developing and submitting RFP responses are entirely the responsibility of the firm(s) responding and shall not be chargeable to the City.

19

#### **D. QUESTIONS FOR THE SELECTION OF BOND COUNSEL - RFP**

Please describe the means by which your firm proposes to be compensated for Bond Counsel services relating to particular financings and periodic debt-related services rendered between financings (i.e., fee based on size of bond issue versus retainer). Please specify any variations or special arrangements relating to various types of bonds (i.e., revenue bonds versus general obligation vs. swap, etc.). Your proposal should include estimates of fees for the ensuing three-year period based on the level of effort that you envision. The firm's billing cycle and documentation that would be provided shall also be explained in detail in this section.

#### **E. SELECTION CRITERIA**

Pricing of services of the selected firm must be highly competitive, although cost is not the sole criteria. In evaluating responses to this invitation, the City will seek to assure that a reasonable and equitable fee be paid for a high quality of service, and the selection will not be made solely on an apparent low bid basis without consideration of all other qualitative factors bearing on the value and timeliness of services. Information provided by firms as part of the EIQ phase as well as cost information provided in the RFP phase will serve as the basis for selections of a firm to provide Bond Counsel Services for the City.

#### **F. AWARD**

If additional interviews and site visits are necessary, they would be expected to be held between December 6th and 7th. The final selection will be made shortly thereafter.



**City of Manchester  
Department of Finance**

One City Hall Plaza  
Manchester, New Hampshire 03101  
(603) 624-6460  
(603) 624-6549 Fax

---

## MEMORANDUM

---

**Date:** October 18, 2004

**To:** Kevin Clougherty, Randy Sherman, Joanne Shaffer,

**From:** Lisa Sorenson *LS*

**RE:** EIQ Responses

---

Please be advised that we are in receipt of 6 proposals in response to our EIQ for Bond Counsel.

**Pierce Atwood**

One Monument Square  
Portland, ME 04101  
*Contact:*  
James Saffian  
207-791-1319  
207-791-1350 fax  
[jsaffian@pierceatwood.com](mailto:jsaffian@pierceatwood.com)

**Palmer & Dodge, LLP**

111 Huntington Avenue  
Boston, MA 02119  
*Contact:*  
Walter St. Onge  
617-239-0389  
617-227-4420 fax  
[wstonge@palmerdodge.com](mailto:wstonge@palmerdodge.com)

**Robinson & Cole & Craig**

84 Bay Street  
Manchester, NH 03104  
*Contact:*  
William H. Craig  
603-641-2500  
603-669-1310  
[Whcraig1@aol.com](mailto:Whcraig1@aol.com)

**Ropes and Gray**

One International Place  
Boston, MA 02110  
*Contact:*  
Richard Manley Jr.  
617-951-7481  
617-951-7050 fax  
[rmanley@ropesgray.com](mailto:rmanley@ropesgray.com)

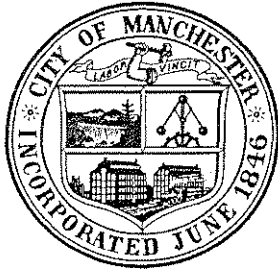
**Nixon Peabody**

899 Elm Street  
Manchester, NH 03101  
*Contact:*  
Kevin M. Fitzgerald, P.C.  
603-628-4016

[kfitzgerald@nixonpeabody.com](mailto:kfitzgerald@nixonpeabody.com)

**Hawkins, Delafield & Wood, LLP**

67 Wall Street  
New York, NY 10005  
*Contact:*  
Steven Donovan  
212-820-9300 (direct line: 820-9380)  
212-514-8425  
[sdonovan@hawkins.com](mailto:sdonovan@hawkins.com)



**City of Manchester  
Department of Finance**

One City Hall Plaza  
Manchester, New Hampshire 03101  
(603) 624-6460  
Fax: (603) 624-6549

February 4, 2005

The Honorable Board of Mayor and Aldermen  
C/o City Clerk Office  
One City Hall Plaza  
Manchester, NH 03101

Dear Honorable Board:

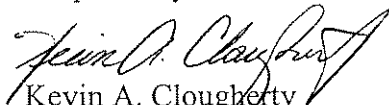
Please be advised that the firm of Hawkins, Delafield and Wood, LLP (HDW) has been selected to serve as the City's Bond Counsel. HDW was chosen as the result of a competitive request for proposal (RFP) process. The Finance Office received proposals from six firms and all of the firms were interviewed by the City Solicitor and the Finance Officer. Three of the firms advanced to the pricing phase of the process. The pricing proposals were also analyzed by the City's financial advisory consultants at Public Financial Management (PFM) in Boston. PFM analyzed the proposal fee structures not only to determine the relationships between the proposals received, but also to evaluate their competitiveness within the industry nationwide.


PFM determined that two of the fee proposals received were extremely competitive on both a regional and national basis. The HDW proposal was selected because it was the most competitive. The HDW proposal caps bond issue expenses and guarantees it's pricing for a five (5) year period. Equally important the HDW proposal caps ancillary work associated with bond issues, such as securing bond insurance, and structuring of letters of credit or Bond Process Agreements.

The City's philosophy regarding financial consultants has been that, with all other things being equal, a change of perspective is encouraged. In this regard the City has regularly turned over its external auditors, its financial advisors, and its Trustees. We believe that it is healthy to use consultants to take a "fresh look" at the City's financial operations. While both finalists offered competitive proposals, HDW provides the City with an opportunity for a "fresh look".

It is our intention to arrange for the new Bond Counsel to meet with the Community Improvement Program Committee and the Committee on Accounts Enrollment and Revenue Administration in the near future. Copies of the individual RFP responses are available for viewing in the Finance Office. Enclosed is a copy of marketing information about the Hawkins, Delafield and Wood firm for your review.

Respectfully submitted,

  
Kevin A. Clougherty  
Finance Officer

  
Thomas R. Clark  
City Solicitor

Cc: Steven Donovan  
June Matte